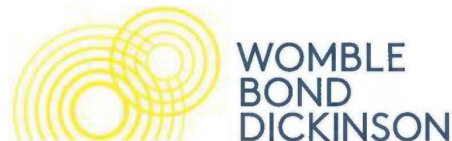


womblebonddickinson.com



30 August 2019

Freeths LLP
Floor 3
100 Wellington Street
Leeds
LS1 4LT

By email only

Womble Bond Dickinson (UK) LLP

Oceana House
39-49 Commercial Road
Southampton
SO15 1GA

Tel: **GRO**
Fax:
DX: 38517 Southampton 3

andrew.parsons **GRO**
Direct: **GRO**

Our ref:
AP6/AP6/364065.1369
Your ref:

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

Dear Sirs

Post Office Group Litigation Stage 4 Disclosure

Pursuant to paragraph 3 of the seventh CMC Order (as amended by paragraph 1 of the Order dated 24 July 2019), please find enclosed Post Office's Disclosure List containing 15,274 documents which fall within Stage 4 Disclosure. Consilio will be in contact with Elevate to arrange for the transfer of these documents.

The parties have been ordered to adopt the "Disclosure Pilot for the Business and Property Courts" (now known as Practice Direction 51U) and, for this stage of disclosure, have utilised Model C request lead search based disclosure.

To locate documents which fall within the scope of Stage 4 Disclosure, Post Office has adopted a variety of approaches such as searching within specific document locations or requesting guidance from Post Office's employees who are familiar with certain classes of documents. An explanation of the steps that Post Office has taken in relation to each class is set out below.

As explained in our letter of 19 August 2019, Stage 4 Disclosure is being given on the basis of the disclosure as agreed by Post Office and as enclosed with our letter of 15 March 2019. For a number of classes, Post Office agreed in our letter of 19 August 2019 that the date range or scope would be expanded to accommodate some additional requests that you had raised. Where possible, Post Office has sought to provide disclosure of the documents that fall within this expanded scope by the Stage 4 Disclosure deadline. However, given that the Claimants only asked to amend the date range/increase the scope of Stage 4 Disclosure on 10 July 2019, Post Office has not been able to extract and review all of the documents within this time. As this disclosure is being given in relation to the limitation issue that is no longer listed for trial, we cannot see how any prejudice will be caused to either party by this. We have explained below the classes for which further disclosure is due to follow at a later date.

1. Requests for Information

- 1.1 As raised in our letter of 19 August 2019, Post Office confirmed that it would seek to respond to the Claimants' Request for Information (RFI) at the same time as Stage 4 Disclosure. Enquires are still ongoing within Post Office so as provide a more detailed response to the Claimants' RFIs. A response to the Claimants' RFIs will follow separately.

Womble Bond Dickinson (UK) LLP is a limited liability partnership registered in England and Wales under number OC317661. VAT registration number is GB123393627. Registered office: 4 More London Riverside, London, SE1 2AU, where a list of members' names is open to inspection. We use the term partner to refer to a member of the LLP, or an employee or consultant who is of equivalent standing. Womble Bond Dickinson (UK) LLP is authorised and regulated by the Solicitors Regulation Authority. Womble Bond Dickinson (UK) LLP is a member of Womble Bond Dickinson (International) Limited, which consists of independent and autonomous law firms providing services in the US, the UK, and elsewhere around the world. Each Womble Bond Dickinson entity is a separate legal entity and is not responsible for the acts or omissions of, nor can bind or obligate, another Womble Bond Dickinson entity. Womble Bond Dickinson (International) Limited does not practise law. Please see www.womblebonddickinson.com/legal notices for further details.

AC_157525460_3

- 1.2 Further, our second letter of 15 March 2019, raised a number of queries so as to clarify the RFIs. Between 15 March and 19 August 2019, numerous letters were sent to the Claimants seeking their engagement. We understand from your letter of 23 August 2019 that responses to these queries will be provided on 30 August 2019, being the same date on which Post Office was asked to provide a response to the RFIs. Therefore, responses to the RFIs on which Post Office has sought clarification will follow after input has been received from the Claimants.

2. Requests A1 to A3

- 2.1 These requests are RFIs – please see Section 1 above.

3. Request A4

Knowledge Base Articles dating between January 2000 and December 2011.

- 3.1 Knowledge Base Articles (KBAs) form the NBSC call handler's Knowledge Base.
- 3.2 We have liaised with Kendra Dickinson of Post Office to locate these documents. Ms Dickinson's current role is a Senior Service and Performance Manager in Branch and Customer Support. Ms Dickinson has worked with the NBSC team for over 10 years and is therefore well placed to assist us with locating this class of documents.
- 3.3 We are informed by Ms Dickinson that KBAs were typically created, updated and amended on an ad-hoc basis, with the original version of a KBA in some instances not being maintained. It is Ms Dickinson's understanding that there is not a central record kept of the updates/amendments to these documents and we understand that it would be necessary to locate each of the individual Knowledge Base Change Request Forms (as explained below) to understand the development of the KBAs.
- 3.4 It should also be noted that during WBD's review of the KBAs for relevance and privilege it came to our attention that some of the KBAs contain a date which did not match the document date metadata. We understand that the document date metadata for the KBAs may be unreliable as the documents have over time been moved between different SharePoint sites, with the movement of these documents affecting the document date metadata. Further, we have also been informed by Ms Dickinson that the KBAs that have been disclosed may not be the final versions which were issued to the NBSC call handlers.
- 3.5 Ms Dickinson informed us that Knowledge Base Articles may be stored within two SharePoint sites as follows:
- 3.5.1 "Branch and Customer Information Team" with the URL
<https://poluk.sharepoint.com/sites/A1147>; and
- 3.5.2 "NBSC KBA" with the URL
<https://poluk.sharepoint.com/sites/NBSCKBA/SitePages/Home.aspx>.
- 3.6 The SharePoint site named "Branch and Customer Information Team" contained 29,437 documents, which were extracted and uploaded onto our e-disclosure platform by Consilio. 16,020 of these documents have already been disclosed as part of Stage 2 Disclosure. These documents have therefore not been subject to a second review nor disclosed a second time.
- 3.7 Out of the 13,417 undisclosed documents from the Branch and Customer Information Team SharePoint site, 3,095 fell within the date range of 1 January 2000 to 1 January 2012. As noted above, although the metadata for these documents may be unreliable, since there were over 13,000 documents in this SharePoint site it was unreasonable and disproportionate to manually review all of the undisclosed documents to locate those which may be KBAs. Therefore a date

range filter was applied. However, since there were a relatively low number of documents which fell within the date range, we have not applied any keyword search terms to the documents sourced from this SharePoint site.

- 3.8 These 3,095 documents were manually reviewed for relevance and privilege, of which 2,171 have been disclosed.
- 3.9 The NBSC KBA SharePoint site contained a further 3,304 documents. All 3,304 documents were subject to a manual review for relevance and privilege. Given the low volume of documents sourced from this site, no date range filter or search terms were applied. Disclosure has been provided of 2,822 documents from the NBSC KBA SharePoint site.
- 3.10 When reviewing documents stored within the two SharePoint sites, further documents which do not fall within the strict class of Knowledge Base Articles have been located. Disclosure of those documents which may be of interest to the Claimants against the issues raised in the GPOC have also been provided. The disclosure provided under this class therefore covers:
 - 3.10.1 Standard instruction documents utilised by the NBSC call handlers (being Knowledge Base Articles);
 - 3.10.2 Knowledge Base Change Request Forms (which requested that Knowledge Base Articles were updated or created, for example following the introduction of a new product or service or a change to an existing product or service);
 - 3.10.3 Supplementary documents which contain information that NBSC call handlers might have relied on for information when answering a call. For example, this includes:
 - (a) Pro forma instructions such as a document containing information about the release of new £10 notes, what they look like and whether branches can accept them etc. If a branch rings the NBSC helpline, this document would be available for the NBSC call handler to use to aid such an enquiry;
 - (b) Pro forma letters with blanks which explain a product or service; and
 - (c) Extracts from Operations Manuals.
 - 3.10.4 Spreadsheets that clarify whether a service can be used in a specific branch to aid branch queries.
- 3.11 In total, 4,993 documents have been disclosed in the class of documents defined as Knowledge Base Articles.

4. Request A5

Memo Views and training materials issued to NBSC call handlers dated between 1 January 2000 to 1 January 2012

Training Materials issued to NBSC call handlers

- 4.1 Post Office has undertaken a reasonable and proportionate search to locate documents which fall within the above class of documents, but has not located any training materials issued to NBSC call handlers dated between 1 January 2000 and 1 January 2012.
- 4.2 As you are aware, Royal Mail and Post Office separated in April 2012. It is believed that Post Office has been unable to find any documents which fall within this class because prior to separation from Royal Mail in 2012, the training of NBSC call handlers was typically conducted by Royal Mail trainers. We therefore understand that documents which fall within this class of document may be held by Royal Mail and therefore outside of the control of Post Office.

- 4.3 To confirm the above understanding and to attempt to locate any potential ad-hoc personal records which may still be held by Post Office employees who were part of NBSC during this time period, enquires have been made within Post Office to understand whether any pre-2012 training materials are held by Post Office. Ms Dickinson made enquiries within Post Office to ascertain whether any individuals who were in the NBSC team between 1 January 2000 and 1 January 2012 had retained any training materials as part of their personal records. Ms Dickinson asked three individuals of Post Office whom remain with the business, being (1) Louise Liptrott, (2) Annette Caddick and (3) Emma Langfield to check their locally stored documents on their laptops and their individually saved "training records". These three individuals were unable to locate any NBSC training records dated between 2000 to 2012.
- 4.4 Ms Dickinson also considered whether Post Office's archive centre in Chesterfield (in the same building where the NBSC team are located) would hold any hard copy training materials dated between 1 January 2000 to 1 January 2012. Ms Dickinson confirmed that she has no reason to believe that there are any hard copy training materials which pre-date 2012 in the Chesterfield archive or their office.
- 4.5 On the basis of the above, Post Office has undertaken a reasonable and proportionate search, even though it has generated no documents.

Memoviews

Background

- 4.6 As part of our enquiries into locating this class of documents, WBD liaised with Mark Horne and Jonathan Knox, who have been part of Post Office's communications team since 1998 and 2006 respectively. Mr Horne's current role is Production Advisor in the Communications team and Mr Knox's current role is Head of Planning, Production & Delivery.
- 4.7 We understand from Mr Horne and Mr Knox and our review of the Memoviews, that the Message Broadcast System (referred to internally by Post Office as MBS) is a method of distributing short messages to Post Office branches via Horizon. Messages are viewed on the Horizon terminal display using a piece of software called Memoview. Memoviews can be sent to every Horizon terminal or a selected number of Horizon terminals depending on to whom the message needs to be communicated to (for example, messages about Sunday trading would only be sent to branches which traded on a Sunday).
- 4.8 Memoviews are issued using a consecutive numbering system. The first MBS message of a given year is labelled MBS001. For example, for the year 2008 Post Office has been able to locate a consecutive run of MBS messages from MBS001 until MBS419.
- 4.9 Between 14 March 2001 (being the first Memoview Post Office located for disclosure) and June 2007, the Memoview process was manual. Post Office would create a Word document, which contained the text of the Memoview, with a supporting spreadsheet which listed the Memoview receiving branches. These two documents were then emailed to Fujitsu. Fujitsu would then manually send the Memoview message to the required branches' Horizon terminals. We refer you to documents POL-0522613 and POL-0519599 which set out the Memoview process in May and June 2002, respectively.
- 4.10 In around June 2007, Post Office started to use an automated system. Spreadsheets identifying branches were no longer needed. Instead, the .mbs files contained a list of the FAD codes identifying which the branches the Memoview was to be sent to. For example, the .mbs file could contain the instruction of <ALLFADS>, which meant that the Memoview was to be communicated to all branches in the network. An example of a targeted Memoview would be one which was only sent to Sunday trading branches. If so, the .mbs file would contain a list of the FAD codes to which that specific Memoview was to be sent to.

Disclosure

- 4.11 Post Office agreed to provide the Claimants with disclosure of Memoviews dated between 1 January 2000 to 1 January 2012. Memoviews were used to communicate with the branch network from around March 2001 and are still a means of communicating with the branch network today. Post Office does not therefore currently believe there are Memoviews prior to March 2001.
- 4.12 We understand from Mr Horne and Mr Knox that Memoviews are stored in the team drive: EC1V9HQAPP1\Disk_E\POL\TeamDirs\POL\Media\Internal Comms\Channels team\Message Broadcast Service. All of the documents stored in this location were processed onto the e-disclosure platform, totalling 12,197 documents.
- 4.13 9,596 of these documents fell within the date range of 1 January 2000 and 1 January 2012 and these were all manually reviewed for relevance and privilege. Given the interest which was taken in these documents at the Horizon Issues Trial and the low volume of documents which fell within the date range, no keyword search terms have been applied.
- 4.14 It should also be noted that Post Office has adopted a broad approach to providing disclosure of documents which fall within this class and therefore documents which may be of interest to the Claimants that were located in this repository but do not strictly fall within the class have been disclosed. For example:
- 4.14.1 All documents headed "Memoview Request Form" have been disclosed, although they do not technically fall within the class of Memoviews, as they do not show the final message broadcast to the branch network.
- 4.14.2 Similarly, all recording spreadsheets that indicated where a Memoview had been sent out to the branch network were also marked as relevant, where the corresponding Memoview had also been located.
- 4.15 In total, disclosure has been provided of 7,739 documents which fall within the class of "Memoviews".

5. Request A6

Copies of (a) Counter News, (b) Operational Updates, (c) Branch Focus, (d) Memo Views, and (e) letters and notices of general circulation issued by the Defendant to the branch network between 1 January 2000 – 1 January 2012

- 5.1 In total, 2,383 documents have been tagged in the overarching group of documents known as "Operational Updates", which encapsulates classes Counter News; Operational Focus; Branch Focus and "letters and notices of general circulation to the branch network". Memoviews have been tagged separately as Memoviews due to the number of these publications.

Counter News

- 5.2 From our investigations with Kathryn Alexander (whose current role is a Support Services Resolution Manager), Shirley Hailstones (whose current role is a Support Services Resolution Manager), Mr Knox (see paragraph 4.6 above) and Peter Todd (whose current role is a Resolution Advisor in the Support Services Resolution Team) of Post Office and the archivists at the Postal Museum (a museum which seeks to encapsulate the corporate memory of the Royal Mail Group, Parcelforce Worldwide and Post Office through its archives), we understand that Counter News was in circulation from around the late 1990s and ceased to be circulated in or around July 2002.

- 5.3 Based on the documents we have reviewed, it appears that Counter News was circulated to the branch network on a weekly basis. The publications are marked with the relevant weeks' date, for example, Counter News week 5 is dated 20 to 26 April 2000 (POL-0518431).
- 5.4 Post Office has provided disclosure of a chronological record of Counter News issued between 1 January 2000 to 31 July 2002 which were located in the three sources explained below. As there was a relatively small number of documents located, we did not apply any keyword search terms filters.
- 5.5 Mr Todd provide us with 12 CD-ROMs which contained 2,406 documents. The CD-Roms contained the following types of documents:
- 5.5.1 Counter News;
 - 5.5.2 Counter News Workaid - an operational reference document for Post Office branches. Its intended purpose was to act as an aide-memoir to assist SPMRs when serving a customer;
 - 5.5.3 Counter News COM update - an operations manual update for Post Office branches which was sporadically issued as an insert to a Counter News publication.
 - 5.5.4 Operations Manuals;
 - 5.5.5 Horizon System User Guide;
 - 5.5.6 National Training Briefs;
 - 5.5.7 Operational Focus;
 - 5.5.8 Operational Focus Index;
 - 5.5.9 Operational Workaid;
 - 5.5.10 Workaid Sale & Marketing documents; and
 - 5.5.11 Miscellaneous documents.
- 5.6 We consider that Counter News, Counter News Workaid and Counter News COM fall within this class of documents. However, we have also reviewed and disclosed the other publications contained on the CD-Roms where these fall within documents classed as "letters and notices of general circulation to the branch network".
- 5.7 The documents on the CD-Roms were processed into our e-disclosure platform and a standard de-duplication software run. The unique documents were reviewed for relevance and privilege, of which 475 documents have been disclosed.

Postal Museum

- 5.8 We also contacted the Postal Museum to ascertain whether it stored any copies of Counter News, Operational Focus, Branch Focus or further documents classed as "letters and notices of general circulation to the branch network") either electronically or in hard copy. The archivists at the Postal Museum identified 32 boxes of documents which contained documents which they considered may fall within these classes of document.
- 5.9 Paralegals from our disclosure reviewing team attended the Postal Museum to manually review the hard copy documents stored there for relevance and privilege. 508 of the hard copy documents were deemed relevant. As explained below, Post Office has been unable to provide electronic inspection of the hard copy documents stored in the Postal Museum's archives and therefore, each individual relevant document stored in the Postal Museum has been included in the disclosure list as a placeholder. We would invite the Claimants to identify any documents

which they wish to inspect. Following receipt of this request, we can assist with making arrangements with the Postal Museum for a representative from Freeths to review these documents.

- 5.10 Post Office was unable to scan the hard copy Counter News, Operational Focus, Branch Focus and documents classed as "letters and notices of general circulation to the branch network" which are stored in the Postal Museum. We understand from the archivists at the Postal Museum that these documents are designated public records under the Public Records Act 1958 and the Postal Museum was concerned that scanning these documents through a feeder could have caused damage to these publications.
- 5.11 The Postal Museum also holds some documents in an electronic format. Consilio extracted 11,580 documents from the Postal Museum's electronic files. Of these documents 3,885 had already been disclosed by Post Office and therefore these documents have not been re-reviewed and disclosed a second time. Further, a standard de-duplication software was applied to these documents which identified that only 4,041 of the documents extracted from the Postal Museum electronic records were unique (with the duplicated documents being either exact duplicates of documents contained within the Postal Museum electronic records or documents which were held elsewhere in our e-disclosure platform from an alternative source). These 4,041 unique documents were manually reviewed for relevance and privilege, of which 1,392 documents have been disclosed. Further, any documents which de-duplicated against the wider documents already held in the e-disclosure platform were subject to a manual review where such a review had already not been conducted as part of either any earlier stage of disclosure or Stage 4 Disclosure.
- 5.12 Lastly, Post Office also used its internal communication system called "Yammer" to ask whether any Post Office employees had retained any of the above publications. No publications were located through this internal enquiry.

Operational Updates

- 5.13 Post Office refers to "Operational Updates" as being documents known as "Operational Focus". The first issue of Operational Focus is dated 1 - 7 August 2002 (this was confirmed by in the Counter News, week 18 edition dated 25 - 31 July 2002). Based on the documents we have reviewed, it is our understanding that Operational Focus was circulated to the branch network on a weekly basis.
- 5.14 The Communications team took over ownership of Operational Focus in 2009 from the Operations Publications team. We have been liaising with two members of the Communications team, Mr Horne and Mr Knox, in relation to locating document repositories containing branch publications, which we understand to be as follows:
- 5.14.1 The 12 CD-ROMs, brought to our attention by Mr Todd referred to in paragraphs 5.5 to 5.7 above;
- 5.14.2 Postal Museum hard copy documents, as described above at paragraphs 5.18 to 5.10 above; and
- 5.14.3 Postal Museum electronic records, as described above at paragraph 5.11 above.
- 5.15 Post Office has been able to locate copies of Operational Focus dated between 1 August 2002 and 22 September 2010 which it has disclosed (with the exception of issues between 2 and 15 September 2010 which we have not been able to locate, or may not have existed). As explained further below, it is our current understanding that Operational Focus was replaced by Branch Focus in September 2010 however, given that this change occurred 9 years ago it has not been possible to confirm the exact date on which Operational Focus stopped being published. As there was a relatively small number of documents located, we did not apply any search term filters.

- 5.16 Post Office has again adopted a broad approach to the documents which are included within this class of documents and has therefore provided disclosure of:

- 5.16.1 Operational Focus;
- 5.16.2 Operational Focus Indexes (which list the Operational Focus publications issued in a given time period);
- 5.16.3 Operational Focus Plus (additional communications circulated on an ad hoc basis, sent to branch networks together with that week's copy of Operational Focus); and
- 5.16.4 Operational Workaids (aide-memoir to assist SPMRs when serving a customer).

Branch Focus

- 5.17 Post Office had originally agreed to provide disclosure of documents within this class that were dated between January 2000 to December 2001 and January 2007 to August 2010. As explained below, Branch Focus did not fall within these date ranges. On 19 August 2019, Post Office agreed that it would expand the scope of disclosure for this class to January 2000 to December 2011. As a result, Post Office has taken steps in the short time available to locate and disclose Branch Focus however, enquires are ongoing to confirm that further copies of Branch Focus are not held elsewhere within Post Office. The outcome of these further enquires will follow shortly.
- 5.18 We have been informed by Mr Horne that Branch Focus was piloted in September 2010 and replaced Operational Focus. When it was introduced, Branch Focus was a bespoke digital publication meaning each branch received a copy tailored to their needs – not all branches received all articles. They were historically electronically distributed weekly to branches directly to the printer within the relevant branch. Branch Focus is still in existence today and is sent to SPMRs but is instead sent to branches via the Horizon terminal.
- 5.19 Post Office has so far located Branch Focus issues dated between 9 May 2011 and 1 January 2012 at the Postal Museum. These issues have been disclosed by way of placeholders and we refer to paragraph 5.9 above in relation to the inspection of these documents.
- 5.20 Enquires are ongoing within Post Office to locate Branch Focus articles which pre-date 9 May 2011 and an update in relation to these enquires will follow shortly.

Memoviews

- 5.21 We refer to paragraphs 4.6 to 4.15 of this letter which explain the disclosure that has been provided of Memoviews.

Letters and notices of general circulation issued by the Defendant to the branch network

- 5.22 This was a wide class of documents. Post Office has disclosed "letters and notices of general circulation to the branch network" where located as part of its searches for Counter News, Operational Focus and Branch Focus. For example, as part of these searches, Post Office located 17 issues of Subspace Magazine, which on its front cover states "*the magazine for subpostmasters*". We therefore consider that a reasonable and proportionate search for documents in this wide and indiscriminate class of documents has been undertaken.

6. Request B7

- 6.1 This request is an RFI – please see Section 1 above.

7. Requests F8 / F9 (disclosure given under F9)

Knowledge Base Articles, Memo Views and training materials issued to NBSC call handlers dated between 1 January 2000 and 1 January 2012.

- 7.1 For an explanation of the steps undertaken to provide disclosure the documents which fall within this class dated between 1 January 2000 to 1 January 2012, we refer to the above sections of this letter:

- 7.1.1 Knowledge Base Articles – paragraphs 3.1 to 3.11
- 7.1.2 Memoviews – paragraphs 4.6 to 4.15
- 7.1.3 Training materials issued to NBSC call handlers – paragraphs 4.1 to 4.5

8. Request F10

All previously undisclosed NBSC Helpline call logs recording contact with Lead Claimants Stubbs and Abdulla or their branches during the period of their appointments.

- 8.1 Post Office disclosed NBSC call logs for the Lead Claimants as part of the Lead Claimant selection disclosure in January 2018. The relevant Begin Bates references numbers for the NBSC call logs are:

- 8.1.1 Mrs Stubbs - POL-0000797
- 8.1.2 Mr Abdulla - POL-0000037

- 8.2 Post Office is also providing disclosure of the HSD call logs for Mrs Stubbs and Mr Abdulla as follows:

- 8.2.1 POL-0532595– Mrs Stubbs
- 8.2.2 POL-0531349 – Mr Abdulla. The first call reference relevant to Mr Abdulla's tenure is dated 17 September 2007 and the last call is dated 6 April 2009. Some of the calls referenced are dated after Mr Abdulla left branch. However, Post Office has disclosed the log in its entirety as received from Fujitsu in the original form.

- 8.3 The above 2 documents have been tagged in the overarching group of documents known as "Call logs".

9. Request F11

Copies of (a) Counter News, (b) Operational Updates, (c) Branch Focus, (d) Memoviews, and (e) letters and notices of general circulation issued by the Defendant to the branch network.

- 9.1 For an explanation of the steps undertaken to provide disclosure the documents which fall within this class dated between 1 January 2000 to 1 January 2012, we refer to the above sections of this letter:

- 9.1.1 Counter News – paragraphs 5.2 to 5.12
- 9.1.2 Operational Updates– paragraphs 5.13 to 5.16
- 9.1.3 Branch Focus - paragraphs 5.17 to 5.20

9.1.4 Memoviews – paragraphs 4.6 to 4.15

9.1.5 Letters and notices of general circulation issued by the Defendant to the branch network – paragraph 5.22

10. Requests F12, F13, G14 and G15

10.1 These requests are RFIs – please see Section 1 above.

11. Request G16

Written policies, process and guidance documents (excluding emails) issued by or at the request of the custodians identified in answer to Request G14, for use by the Defendant's employees relating to the matters referred to in §23, §24 or §25 GPOC and/or in audits and in the conduct of investigations into apparent shortfalls or discrepancies in branch accounts.

The custodians to be identified in response to G14, were those who were/are responsible for deciding whether any matters referred to in GPOC §23, §24, §25, §31.3, §31.4 and §31.5 would or should be communicated to:

- (a) contract advisers; and/or
- (b) any other personnel within the Defendant who were responsible for or involved in the conduct of branch audits or investigations; and/or
- (c) any other personnel within the Defendant who were responsible for, or involved in, taking decisions to suspend or terminate the contracts of postmasters following an audit or investigation, or to whom appeals against such a decisions were made.

Paragraphs 23, 24 and 25 of the GPOC concern:

- *software coding errors, bugs or defects and data or data packet errors which required fixes, which had the potential to produce shortfalls (paras 23 and 24 GPOC);*
- *knowledge that Fujitsu:*
 - *rebuilt branch transaction data from backups (para 23 GPOC)*
 - *had a "known error log" (para 23 GPOC)*
 - *was able to alter branch data directly (para 25 GPOC)*
 - *was able to carry out changes to Horizon and/ or transaction data which could affect branch accounts (para 25 GPOC)*
- *knowledge that Horizon:*
 - *had "insufficient error repellency" (para 24 GPOC)*
 - *was "imperfect and had the potential for creating errors" (para 24 GPOC)*

11.1 Post Office agreed to provide disclosure of the above documents dated between 1 January 2000 to 31 August 2010.

11.2 As you are aware, 2,151 documents which were:

- 11.2.1 policy and process documents regarding the investigation of shortfalls in branches;
- 11.2.2 policy and process documents for initialling and progressing audits; and
- 11.2.3 instructions or guidance to auditors on dealing with discrepancies, shortfalls and losses

have already been disclosed as part of Stage 2 Disclosure (see Classes 38 – 40, Third CMC Order, Schedule 2). We note that there is a large volume of overlap between the Stage 2 Classes and Request G16 and where disclosure has already been given, it has not been given a second time. The documents which fell within these classes were tagged with generic document tag "11. Investigations" so they can easily be identified by the Claimants.

11.3 We have been informed by Post Office that other than the documents which have already been disclosed, the other relevant documents dated between 2000 and 2010 which may fall within this class would take the form of formal training materials. Prior to separation from Royal Mail in 2012, the training of auditors and investigators was typically conducted by Royal Mail trainers and therefore documents which fall within this class may be in the custody and control of Royal Mail. We understand from Post Office that if such documents were in the custody and control of Post Office they would have likely been stored in Post Office's Training Sharepoint site. A review of documents in this site has not revealed any documents which pre-date 31 August 2010 (being the end date for this class of documents).

11.4 To confirm the above understanding and so as to locate any potential ad-hoc personal records which may still be held by Post Office employees who were part of the relevant teams between 1 January 2000 and 31 August 2010, the following enquires / searches were undertaken:

11.4.1 The documents which were extracted from the laptops of Sue Richardson and Sandra McBride (who were Post Office trainers) for Stage 2 Disclosure were re-reviewed to ensure that there were no further documents which fell within this class that had not yet been disclosed from these sources. The following search terms were applied, which resulted in 10,325 responsive documents.

- Horizon AND defect*
- contract AND discrepant*
- contract AND shortfall
- review AND discrepant*
- review AND shortfall
- investigat* AND discrepant*
- investigat* AND shortfall
- make it good
- make good
- discrepant* AND loss
- shortfall AND loss

11.4.2 Of these documents, 1,269 documents fell within the date range of 1 January 2000 to 31 August 2010. All of these documents were manually reviewed for relevance and privilege, with disclosure of 18 of these documents being provided.

- 11.4.3 Sharon Logan, Tim Gordon-Pounder, Andrew Wise and Paul Humber (who had involvement with either the audit or investigation teams at various points between 2000 – 2010) were asked to provide any documents which they held that might fall within this class. These documents were sent to our firm and reviewed for relevance and privilege.
- 11.4.4 Lastly, Helen Dickinson located a number of potentially relevant hard copy documents stored in Post Office's archive facility in Chesterfield, which were provided to our firm to review for relevance and privilege.
- 11.5 A small volume of additional material has therefore been located (66 documents) and tagged to the generic document tag "29. Guidance to Auditors and Investigators".

12. Request G17

Documents recording the "consistent approach" that was formulated in respect to postmaster challenges made to alleged shortfalls and/ or with respect to Horizon, referred to in the letter to Claimant Mr Bates dated 6 March 2002

- 12.1 Post Office objected to this disclosure request on 15 March 2019 on the basis that it sought disclosure of a broad class, namely "documents". Further, the letter on which the request is based does not expressly refer to any documents but rather refers to time spent "formulate[ing]" an approach. The document on which the disclosure request is based also relates to the factual issues of Mr Bates' case, when as explained in the objections enclosed with our letter of 15 March 2019, Stage 4 Disclosure was supposed to be in relation to the Lead Claimants' for the limitation trial (being Ms Stubbs and Mr Abdulla). In its objections, Post Office asked that, if the Claimants wish to continue to pursue this request they clarify the disclosure which is sought of these documents in relation to the cases of Mrs Stubbs and Mrs Abdulla.
- 12.2 On 10 July 2019, the Claimants responded to this request explaining that it was seeking disclosure of the policy or internal memoranda which had been formulated for the purposes of responding to complaints relating to aged shortfalls. On 19 August 2019, Post Office responded confirming its understanding that such policy documents had already been disclosed. Therefore, this disclosure request has been satisfied.

13. Request G18

Any further such policy or other document relating to the approach taken by the Defendant to such challenges, that applied during the period of the appointments of Lead Claimants Stubbs and Abdulla (namely between 4 August 1999 and 8 June 2010).

- 13.1 Post Office objected to this disclosure request on 15 March 2019 on the basis that it sought disclosure of a broad class of documents namely, "policy or other document" and it was unclear what "challenges" were being referred to. Post Office asked the Claimants to clarify the disclosure being sought. On 10 July 2019, the Claimants confirmed they were seeking disclosure of documents which relate to the challenges raised by current or former subpostmasters disputing the legitimacy of shortfalls.
- 13.2 In response, on 19 August 2019, Post Office explained that the parties had already discussed in detail the history and disclosure of Post Office's losses and gains policy documents (we refer you to our letter of 28 June 2018) and that it remained unclear what further information / disclosure was sought from the Claimants in light of the disclosure provided for the Common Issues Trial and the explanation provided in previous correspondence. Since no further clarification has been provided by the Claimants, we assume this request has been satisfied.

14. Request G19

In so far as Requests G16, 17 and 18 relate to documents already disclosed to the Claimants, please identify (by reference to their existing disclosure ID (POL-[xxx])) the documents which are relevant to Requests G16, 17 and 18.

- 14.1 Post Office objected to this disclosure request on 15 March 2019 on the basis that it should not be responsible for incurring the costs of identifying documents which have already been disclosed in the Common Issues and Horizon Issues Trial. As explained in our letter of 19 August 2019, the method of identifying documents via de-duplication is not understood and we would welcome further clarification on how the Claimants believe that the identification of documents using de-duplication could be achieved.
- 14.2 We also refer to our letter of 28 June 2018 which identified a number of documents which may fall within Requests G16 to G18 and the methods by which the Claimants could locate further similar documents which have already been disclosed.

15. Requests H20 / H21 (alternative, disclosure given under H21)

Knowledge Base Articles, Memo Views and training materials issued to NBSC call handlers

- 15.1 For an explanation of the steps undertaken to provide disclosure of these documents which fall within this class and agreed date ranges, we refer to the above sections of this letter:
- 15.1.1 Knowledge Base Articles – paragraphs 3.1 to 3.11
- 15.1.2 Memoviews – paragraphs 4.6 to 4.15
- 15.1.3 Training materials issued to NBSC call handlers – paragraphs 4.1 to 4.5

16. Requests H22 and H23

- 16.1 These requests are RFIs – please see Section 1 above.

17. Request H24

In respect of the custodians identified in answer to Request H22 above, all documents held by them since 2000 that fall within the document categories identified in answer to Request H23 above.

- 17.1 Post Office objected to this request on 15 March 2019 on the basis that disclosure under this request should be postponed to Stage 5 Disclosure so that the parties can properly consider the scope of disclosure to be provided in light of the responses to H22 and H23.
- 17.2 As explained in our letter of 19 August 2019, the response to these RFIs may produce a large volume of custodians from which it may be unnecessary, and/or not reasonable nor proportionate to provide subsequent disclosure. For example, the documents held by one custodian may overlap with the documents held by another custodian and therefore it would not be necessary to include both custodians within the scope of disclosure. Similarly, if there are a large volume of custodians then the parties may be able to agree that the scope of custodians from whom disclosure is given is limited. However, the parties have not yet agreed from which custodians disclosure should be given nor the classes of documents held by these custodians to be disclosed.

- 17.3 Before disclosure can be given, it is necessary for the Claimants to make a Model C Request and the parties to agree the scope of the request. We appreciate that the Claimants cannot make this request until the information sought under H22 and H23 has been provided. To provide disclosure of these documents in advance of the requests being made/discussed may lead to unnecessary costs being incurred as the parties would need to discuss the scope of disclosure given after the event which could lead to Post Office having to re-run its disclosure exercise to locate additional documents sought by the Claimants.
- 17.4 Post Office's position therefore remains that the most sensible way to approach this disclosure is for the Claimants to make Model C requests for disclosure once they have been provided with the responses to the RFIs.

18. Request H25

In respect of the Barkham Branch and for the period of the appointment of Lead Claimant Mrs Pamela Stubbs (4 August 1999 to 8 June 2010) any previously undisclosed documents or data falling within the categories referred to at Requests H22 (a) to (d).

Request H22 - (a) transaction, event or session data; (b) ARQs; and/or (d) transaction corrections or error notices issued.

- 18.1 Post Office disclosed in January 2018, in relation to Mrs Stubbs:
- 18.1.1 Filtered ARQ data (POL-0000833 to POL-0000860), also known as event and transaction data, dated 1 September 2009 to 30 June 2010
 - 18.1.2 Unfiltered ARQ data (POL-0033010) dated 1 September 2009 to 30 June 2010] - see our letter of 3 March 2018 for an explanation of this data;
 - 18.1.3 Transaction Correction data (POL-0000687).
- 18.2 The filtered and unfiltered ARQ data dated between October 2007 and August 2009 was therefore left to be disclosed. In response to this Request, Post Office has obtained from Fujitsu and disclosed this data.
- 18.3 As previously explained in our letters dated 30 May 2017, 28 September 2017 and 5 December 2018, in October 2014 as part of the Mediation Scheme, Post Office instructed Fujitsu to stop the deletion of transaction and event data. We therefore understand that Fujitsu currently holds transaction and event data for all branches dating back to October 2007.
- 18.4 In relation to session data, we understand from Post Office that session data is produced via Horice and that Horice first was piloted by Post Office during early/mid 2014 (as explained in POL-0215639). Horice allows Post Office real time access to data stored within Horizon and through Horice Post Office can look back at the previous 6 months of branch data. Session data is one of the reports which can be run in Horice and extracts from Horizon the transactional data for a particular branch. Since both Ms Stubbs and Mr Abdulla's tenures at Post Office were terminated prior to the introduction of Horice, session data for these Claimants is not available.
- 18.5 Post Office has been unable to locate any further error notices which were sent to Mrs Stubbs which have not already been disclosed.

19. Request H26

In respect of the Charlton Branch and for the period of the appointment of Lead Claimant Mr Naushad Abdulla (24 January 2007 to 8 May 2009), any previously undisclosed documents or data falling within the categories referred to at Requests H22 (a) to (d).

Request H22 - (a) transaction, event or session data; (b) ARQs; and/or (d) transaction corrections or error notices issued.

- 19.1 Post Office disclosed the following documents in January 2018, which cover the full period of Mr Abdulla's tenure at the branch, and has no further documents to disclosure in relation to Mr Abdulla:

19.1.1 Filtered ARQ data (POL-0000041 to POL-0000111) dated 1 October 2007 to 31 July 2009;

19.1.2 Unfiltered ARQ data (POL-0033001 - POL-0033003) dated 1 October 2007 to 31 July 2009; and

19.1.3 Transaction Correction data (POL-0000036).

- 19.2 Error notices pre-date Mr Abdulla's tenure and therefore there are no error notices to be disclosed. In respect of session data, we refer to the explanation provided at paragraph 18.4 above.

20. Requests J27 and J28

- 20.1 These requests are RFIs – please see Section 1 above.

21. Request J29

In respect of the custodians and document categories identified in answer to Requests J27 and J28 above, disclosure of the documents thereby identified.

- 21.1 Post Office objected to this request on 15 March 2019 on the basis that disclosure under this request should be postponed to Stage 5 Disclosure so as the parties can properly consider the scope of disclosure to be provided in light of the responses to J27 and J28. The response to H24 is repeated in respect of this class.

22. Request K29

NBSC call scripts, reference articles, briefing notes, instructions and guidance (including but not limited to, those held on Knowledge Base) in use by NBSC to inform responses to branch enquiries about: shortfalls or discrepancies; the process for disputing transaction corrections or error notices; the circumstances in which postmasters are to be treated as having disputing transaction corrections and error notices.

- 22.1 This Request mirrors F9 and H21. For an explanation of the steps undertaken to provide disclosure of these documents, we refer to the above sections of this letter:

22.1.1 Knowledge Base Articles – paragraphs 3.1 to 3.11

22.1.2 Memoviews – paragraphs 4.6 to 4.15

22.1.3 Training materials issued to NBSC call handlers – paragraphs 4.1 to 4.5

23. Requests K30, K31, K32 and K33

23.1 These requests are RFIs – please see Section 1 above.

24. Requests L1 and L2

L1 - Copies of responses to Freedom of Information requests (together with the FOI request itself) by either Mrs Stubbs or Mr Abdulla between 2000 and 2010.

L2 - Freedom of Information Requests and Responses from October 2012 to July 2019 which contain the terms "Horizon" or "Suspense Account".

24.1 Pursuant to the above Requests, Post Office agreed to disclose Freedom of Information requests by either Mrs Stubbs or Mr Abdulla (along with the responses to such requests) which date between 2000 and 2010 (being Request L1).

24.2 Post Office subsequently (on 19 August 2019) agreed to provide disclosure of Freedom of Information Requests and Responses which date between October 2012 and July 2019 which contain the terms "Horizon" or "Suspense Account" (being Request L2). As brought to your attention in our letter of 19 August 2019, it is Post Office's understanding that Freedom of Information Requests and Responses which pre-date October 2012 are believed to be within the custody and control of Royal Mail, an explanation of which is set out below. In relation to this class, Post Office has taken steps in the short time available to locate and disclose Freedom of Information Requests and Responses which date between October 2012 and July 2019 however, enquires are ongoing to extract and review further documents which may fall within this class. An update on the outcome of this review will follow shortly.

24.3 Based on the below searches, Post Office has been unable to identify any documents which fall within the scope of Request L1.

Mrs Stubbs and Mr Abdulla Documents

24.4 Three custodians who may hold FOI requests and responses which relate to Mrs Stubbs and Mr Abdulla were identified. These were Kerry Moodie, Peter Johnson and Andrew Moore, who have held the following roles within Post Office:

- Peter Johnson – 2008 to 2010 was the Freedom of Information Manager. From 2010 onwards he has worked for a different team within Post Office, but continued to work with the Freedom of Information team.
- Andrew Moore – 2009 to 2010 was the Freedom of Information Team Support.
- Kerry Moodie – March 2012 to October 2012 was the Freedom of Information Officer; October 2012 to March 2014 was the Information Rights Team Leader; and March 2014 to current is the Information Rights Manager.

24.5 Each of these custodians searched (1) the documents stored locally on their laptops; (2) documents stored in their respective OneDrive folders; and (3) documents held in their desktop version of Microsoft Outlook, for documents which contained the terms "Abdulla" or "Stubbs". None of these searches returned any search term responsive documents. Further, none of these individuals were able to identify alternative locations within Post Office (such as a team drive, shared drive or SharePoint site) in which FOI Requests or Responses between 2000 and 2010 (being the date range for Request L1) may be stored. As further explained below, it

was these individuals' understanding that such documents would be within the control and custody of Royal Mail.

- 24.6 On the basis of the above, Post Office has undertaken a reasonable and proportionate search to locate documents which fall within the scope of Request L1 and has been unable to locate any documents which are within its custody or control. In any event, we note that your clients will have had access to these documents (if either Ms Stubbs or Mr Abdulla made FOI requests) and so may be able to locate these documents themselves.

Pre-October 2012 Documents

- 24.7 During the course of investigating other locations in which documents within the scope of Request L1 could be stored, we were informed by Mr Johnson that historical FOI records which predated the separation from Royal Mail were likely maintained by Royal Mail Group and therefore we do not believe that Post Office has access to FOI requests/responses which pre-date October 2012. As you are aware, the separation of Post Office and Royal Mail officially took place in April 2012 however, the separation of Freedom of Information request/responses work did not take effect until around October 2012.
- 24.8 Post Office has not yet made enquires with Royal Mail as to where / how Royal Mail may store FOI request/responses or whether such documents are still retained by Royal Mail. To be clear, it may be that Post Office holds some or all of these documents somewhere in its organisation but they have not been revealed by the reasonable searches undertaken so far and, in the interests of proportionality, there is no requirement to undertake an exhaustive search.

Post October 2012 Documents

- 24.9 The below searches have been undertaken to locate documents which fall within the scope of Request L2, which as noted above are ongoing:
- 24.9.1 In her role as the Information Rights Manger, Ms Moodie maintained management information files which are excel documents held for each year from October 2012 to March 2018. These documents record the Freedom of Information Request and Responses made within these date ranges. Disclosure of these documents will follow shortly.
- 24.9.2 Further, Ms Moodie identified that pre-April 2018 Freedom of Information Request and Responses were stored in the Sharepoint site:
<https://poluk.sharepoint.com/sites/FileServer/Help/Lists/Folder%20Mapping/DispForm.aspx?ID=3534&e=dphbir>
- Consilio are in the process of extracting the documents from this site and processing them into our e-disclose platform. Once processed the search terms "Horizon" and "Suspense Account" will be run and the search term responsive documents manually reviewed for relevance and privilege. An update on the disclosure of these documents shall follow shortly.
- 24.9.3 From April 2018 onwards, the Freedom of Information Requests and Responses have been stored in eCase and a spreadsheet summarising these cases has been extracted from eCase and disclosed. A keyword search of this spreadsheet identified that the following Freedom of Information Requests contained the terms "Horizon" or "Suspense Account":
- (a) FOI2019/00318
 - (b) FOI2019/00105
 - (c) FOI2019/00100
 - (d) FOI2019/00092

(e) FOI2019/00084

(f) FOI2019/00037

(g) FOI2019/00024

(h) FOI2018/00609

Ms Moodie has provided us with copies of the Response and Request for each of these FOIs and disclosure of these documents has been provided.

25. Disclosure of documents within Requests A5, F9, G16, H21 and L1

25.1 As set out above, for five of the Stage 4 Disclosure classes, having conducted a reasonable and proportionate search Post Office has been unable to locate either none, or a very limited number of documents, which fall within these classes. Post Office however believes these documents may be within the custody and control of Royal Mail. This position has been reached following a reasonable and proportionate search for those classes of documents.

25.2 Please confirm whether the Claimants still wish to pursue these requests for disclosure. If so, Post Office is prepared to assist you approaching Royal Mail to enquire about these documents.

Yours faithfully

A handwritten signature in cursive script that reads "Womble Bond Dickinson (UK) LLP".

Womble Bond Dickinson (UK) LLP