



Nick Read
Post Office Ltd
100 Wood Street
London
EC2V 7ER

By email only

Date: 8 July 2024

Dear Nick,

I refer to your letter of 30 May 2024.

I am glad that we both share a commitment to learn lessons from the Post Office Horizon scandal and to ensure that the appalling treatment of postmasters, and the miscarriages of justice that occurred, could never happen again. That was the reason for my writing to you. I was seeking to bring to your attention concerning conduct exhibited by members of your organisation.

In simple terms, the Post Office is requesting that FSL give expert opinion evidence to be used in criminal proceedings against postmasters and post office workers.

In your letter, you rightly note that the content of any witness statement is a matter between the police and FSL. However, I consider it necessary to address this issue with you because the request was made by Post Office and because I consider the request to be entirely inappropriate, particularly in the light of the evidence being uncovered at the Inquiry.

I enclose with this letter an email chain which contains emails from a senior member of the Post Office's investigations team, John Bartlett, to Dan Walton in our account team. Mr Bartlett continues the prior narrative of seeing the Post Office as the "victim" and requests a witness statement to address "*the reliability of the Horizon system and the admissibility of evidence produced from it*". Mr Bartlett suggests that a failure to do this would "*rightly be interpreted by the Police and prosecutors as POL and Fujitsu not having faith in the reliability of the data with the obvious outcome resulting*".

A witness statement from FSL attesting to the reliability of the Horizon system and of data from it in criminal proceedings would amount to expert opinion evidence. FSL is incapable of providing expert opinion evidence as it is neither independent nor has it sufficient information to provide such an opinion.

As the Post Office is well aware, there have been and there continue to be bugs, errors and defects in the Horizon system. Further, FSL currently has, and previously had, access to branch transaction records. Your letter of 30 May 2024 also acknowledges the existence of other matters (beyond the Horizon system) which could have operated to create innocent discrepancies in branch accounts including "...*mis-keys, or omissions when remitting cash or stamp stock based on Horizon data* ..." by end users.

In addition to FSL, the Horizon system is reliant on the delivery of services by Post Office and third parties retained by the Post Office. Therefore, records generated in relation to its operation are not exclusively retained by FSL. The Post Office has appointed other suppliers to manage aspects of the system such as the network and end user computing towers. Further, the Post Office has insourced various services previously provided by FSL and other suppliers engaged by the Post Office, including help desk and service integration services.



Based on the evidence which has been seen and heard in the Post Office Horizon IT Inquiry, FSL considers that all of the matters mentioned above would need to be investigated carefully by the Post Office and the police, with the assistance of an independent technical IT expert, and possibly also a forensic accounting expert, to ascertain proper explanations for branch account discrepancies. FSL considers that only after such an investigation has been undertaken could a meaningful expert witness statement be made in subsequent criminal proceedings which addresses the reliability of the Horizon system and the relevant data produced. For the reasons I have mentioned above, FSL cannot provide such a statement.

As to your comments regarding the pursuit of shortfalls, FSL will continue to deliver its contractual obligations including reporting promptly and transparently branch impacting incidents. It is for the Post Office to work with postmasters to understand and resolve branch account discrepancies fairly and promptly. The improvements you mention to your discrepancy investigation processes I hope will allow for this to happen. You say in your letter that Horizon data is not currently being used for civil recoveries from postmasters. This is reassuring. For the avoidance of doubt, FSL will not support the Post Office in the event it pursues civil recoveries from postmasters.

As to your request for a meeting, I note that a meeting has been arranged between us at your Wood Street offices on 18 July 2024. I look forward to seeing you then.

Yours sincerely,

GRO

Paul Patterson
CEO – Fujitsu Europe