

From: O'Neill, Elizabeth - UKGI [/O=HMT/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=4A1FD06739F94E53BCF1774F748A57DC-O'NEILL, ELIZABETH ()]
Sent: Thur 05/07/2018 2:53:22 PM (UTC)
To: Clarke, Stephen - UKGI [GRO]
Cc: Cooper, Tom - UKGI [GRO]; Aldred, Tom - UKGI [GRO]
Subject: RE: Official Sensitive: Post Office: Disclosure Protocol for Civil Litigation

Thanks Stephen, noted.

The first example is dealt with by us adding the senior official to the list and that person signing the onboarding. No need for prior consent of POL.

The second example below is provided for under the Protocol (see para 1.8).

Elizabeth

From: Clarke, Stephen - UKGI
Sent: 05 July 2018 11:42
To: O'Neill, Elizabeth - UKGI [GRO]
Cc: Cooper, Tom - UKGI [GRO]; Aldred, Tom - UKGI [GRO]
Subject: RE: Official Sensitive: Post Office: Disclosure Protocol for Civil Litigation

Thanks Elizabeth. I just called Madhav to gauge the Perm Sec's concerns and offer our assistance in resolving these, including a face-to-face briefing if needed. It seems his concerns are two-fold:

-What if he needs to brief another senior official or minister on the case? Apparently he gave the eg of the PM to underline the point!

-What if another legal or administrative process requires him to divulge information? He mentioned the NAO in particular.

He's asking BEIS lawyers for advice on these issues. I encouraged that you be consulted too given your expertise and detailed knowledge of the litigation and the Protocol. I think Madhav will also be in touch with a follow-up question on the NDA precedent that you gave.

Stephen

Stephen Clarke | Post Office Shareholder Team
UK Government Investments
Corporate finance and governance in government.

1 Victoria Street | London | SW1H 0ET

T: [GRO]
E: [GRO]

From: O'Neill, Elizabeth - UKGI
Sent: 05 July 2018 09:31
To: Permanent Secretary [GRO]; Clarke, Stephen - UKGI [GRO]; Clark Spad, Mpst (BEIS) [GRO]
Cc: Griffiths, Mpst (BEIS) [GRO]; Aldred, Tom - UKGI [GRO]; Cooper, Tom - UKGI [GRO]
Subject: RE: Official Sensitive: Post Office: Disclosure Protocol for Civil Litigation

Madhav

To note that the protocol was discussed and agreed with BEIS legal – we sighted Gareth Evans ahead of agreeing it.
Best wishes,
Elizabeth

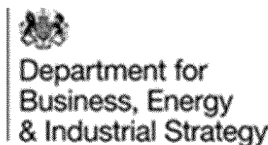
From: Permanent Secretary <[REDACTED]>
Sent: 04 July 2018 19:31
To: Clarke, Stephen - UKGI <[REDACTED]>; Clark Spad, Mpst (BEIS) <[REDACTED]>
O'Neill, Elizabeth - UKGI <[REDACTED]>
Cc: Griffiths, Mpst (BEIS) <[REDACTED]>; Aldred, Tom - UKGI <[REDACTED]>; Cooper, Tom - UKGI <[REDACTED]>; Permanent Secretary <[REDACTED]>
Subject: RE: Official Sensitive: Post Office: Disclosure Protocol for Civil Litigation

Hi Stephen,

Alex has raised concerns about signing the letter and has asked me to commission advice from our legal team around this. I will be getting in touch with the relevant people tomorrow, but I expect this means it is unlikely we can have the submission shared on Monday.

Thanks,

Madhav



Madhav Bakshi
Private Secretary to Alex Chisholm, Permanent Secretary
1 Victoria Street London SW1H 0ET
[REDACTED]
www.gov.uk/beis | twitter.com/beisgovuk

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From: Clarke, Stephen - UKGI <[REDACTED]>
Sent: 04 July 2018 09:28
To: Clark Spad, Mpst (BEIS) <[REDACTED]>; O'Neill, Elizabeth - UKGI <[REDACTED]>
Permanent Secretary <[REDACTED]>
Cc: Griffiths, Mpst (BEIS) <[REDACTED]>; Aldred, Tom - UKGI <[REDACTED]>; Cooper, Tom - UKGI <[REDACTED]>
Subject: RE: Official Sensitive: Post Office: Disclosure Protocol for Civil Litigation

Hi Bex,

Many thanks for confirming. The submission is ready to go as soon as we receive the signatures back – ideally this week so that we can submit on Monday.

Regards,

Stephen

Stephen Clarke | Post Office Shareholder Team

UK Government Investments

Corporate finance and governance in government.

1 Victoria Street | London | SW1H 0ET

GRO

From: Clark Spad, Mpst (BEIS) [**GRO**]
Sent: 03 July 2018 17:48
To: O'Neill, Elizabeth - UKGI <**GRO**>; Permanent Secretary
<**GRO**>; Clarke, Stephen - UKGI <**GRO**>
Cc: Griffiths, Mpst (BEIS) <**GRO**>; Aldred, Tom - UKGI <**GRO**>; Cooper, Tom - UKGI <**GRO**>
Subject: RE: Official Sensitive: Post Office: Disclosure Protocol for Civil Litigation

Hi All,

Thanks for the further information on this matter. Glenn is content for the disclosure to be signed and I have relayed this to Perm Sec and Griffiths offices.

Best wishes,

Bex

Rebecca Lowe, Assistant Private Secretary, Special Advisers' Office

GRO

From: O'Neill, Elizabeth - UKGI <**GRO**>
Sent: 03 July 2018 11:47
To: Permanent Secretary <**GRO**>; Clarke, Stephen - UKGI
<**GRO**>; Clark Spad, Mpst (BEIS) <**GRO**>
Cc: Griffiths, Mpst (BEIS) <**GRO**>; Aldred, Tom - UKGI <**GRO**>; Cooper, Tom - UKGI <**GRO**>
Subject: Official Sensitive: Post Office: Disclosure Protocol for Civil Litigation

Madhav,

I've just chatted this through with Charlie and I don't think there really is any easy work around here, no.

At most, we could tell POL that the Minister has been told about the privileged nature of the information so did not actually sign, but was advised about its special status.

Very happy to speak/give context,
Best wishes

Elizabeth

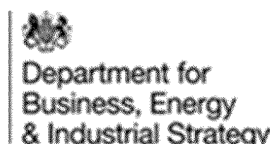
From: Permanent Secretary [GRO]
Sent: 03 July 2018 11:02
To: O'Neill, Elizabeth - UKGI [GRO]; Clarke, Stephen - UKGI [GRO]
 Clark Spad, Mpst (BEIS) [GRO]
Cc: Griffiths, Mpst (BEIS) [GRO]; Aldred, Tom - UKGI [GRO] Cooper, Tom - UKGI [GRO]; Permanent Secretary [GRO]
Subject: RE: Official Sensitive: Post Office: Disclosure Protocol for Civil Litigation

Hi Elizabeth,

For the sake of clarity, is your conclusion that there isn't really a work around under which PS, the Minister and Glenn do not have to sign the disclosure document? Bex had asked me to present this issue to PS, but as we don't really have any alternatives right now I'm not sure there's much point.

Thanks,

Madhav



Madhav Bakshi
 Private Secretary to Alex Chisholm, Permanent Secretary
 1 Victoria Street London SW1H 0ET
 [GRO]
www.gov.uk/beis | twitter.com/beisgovuk

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From: O'Neill, Elizabeth - UKGI [GRO]
Sent: 29 June 2018 12:15
To: Clarke, Stephen - UKGI [GRO]; Clark Spad, Mpst (BEIS) [GRO]
Cc: Griffiths, Mpst (BEIS) [GRO] Permanent Secretary [GRO]
 Aldred, Tom - UKGI [GRO]; Cooper, Tom - UKGI [GRO]
Subject: RE: Official Sensitive: Post Office: Disclosure Protocol for Civil Litigation

Hello Bex,

The key distinction for Glenn's purposes is that the legal advice/privileged material here is not our own, but that of distinct legal entity (ie it belongs to POL) . Recent judgments have eroded legal privilege, and POL 's legal team is very worried about circulation of its advice in government and initially refused point blank to give us anything.

To my recollection, BEIS had similar convoluted arrangements for receipt of the NDA 's privileged material as well – similar restrictions were even applied in the context of a Parliamentary Committee (who have a statutory right to call for all material irrespective of its privileged nature).

Do tell Glenn that I am reachable on the number below if he wants to discuss,

Best wishes

Elizabeth

Elizabeth O'Neill | General Counsel
UK Government Investments

GRO

Please note that with immediate effect, my email address has changed to GRO

I will still receive emails sent to my old address until 30 April 2018. Thereafter you will only be able to contact me on my new address and emails sent to my GRO *address will not be forwarded.*

I would be grateful if you could note this and change my contact details accordingly.

From: Clarke, Stephen - UKGI

Sent: 28 June 2018 09:43

To: Clark Spad, Mpst (BEIS) GRO; O'Neill, Elizabeth - UKGI <GRO>

Cc: Griffiths, Mpst (BEIS) <GRO> Permanent Secretary <GRO>

Aldred, Tom - UKGI GRO Cooper, Tom - UKGI GRO

Subject: RE: Official Sensitive: Post Office: Disclosure Protocol for Civil Litigation

Hi Bex,

Many thanks for following up on this. I am copying to Elizabeth, UKGI's Legal Counsel, whose team negotiated the Disclosure Protocol with POL and will be best placed to provide advice on the issue around the closed distribution list/signing up to confidentiality obligations.

Regards,

Stephen

Stephen Clarke | Post Office Shareholder Team

UK Government Investments

Corporate finance and governance in government.

1 Victoria Street | London | SW1H 0ET

T: GRO
E: GRO

From: Clark Spad, Mpst (BEIS) GRO

Sent: 26 June 2018 16:47

To: Clarke, Stephen - UKGI <GRO>

Cc: Griffiths, Mpst (BEIS) GRO; Permanent Secretary <GRO>

Subject: RE: Official Sensitive: Post Office: Disclosure Protocol for Civil Litigation

Hi Stephen,

As you remember, Glenn queried why we need to sign this document when a lot of the work we do in the office is legally privileged and commercially sensitive. You helpfully clarified that POL's legal team refused to share legally privileged info unless certain safeguards were put in place, including tightly controlled distribution of info. It took a couple of months negotiation between UKGI Legal and POL Legal to achieve this in the form of this Disclosure Protocol and POL are now sending regular updates which is a big step forward.

Glenn is still hesitant for the minister/himself to sign the document – you mentioned there may be a work around. Glenn also asked for advice on this issue from the Perm Sec. I understand from Madhav he is away until the end of the week. Grateful if you could provide clarity on a work around to this office, Griffiths office and Perm Sec office for when Alex is back (**Madhav** can you fill in on timings?) so he can consider all the possible options.

I have discussed and agreed this approach with Madhav and Sam in Griffiths office.

Thanks,

Bex

Rebecca Lowe, Assistant Private Secretary, Special Advisers' Office

Tel: **GRO**

Email: **GRO**

From: Clarke, Stephen - UKGI <**GRO**>
Sent: 21 June 2018 13:13
To: Miles, Annabelle (Communications) <**GRO**>; Evans, Gareth (BEIS) <**GRO**>; Taylor, Tom (Finance & Portfolio) <**GRO**>; Clark Spad, Mpst (BEIS) <**GRO**>
Cc: Aldred, Tom - UKGI <**GRO**>; O'Neill, Elizabeth - UKGI <**GRO**>; Lambert, Helen - UKGI <**GRO**>
Subject: Official Sensitive: Post Office: Disclosure Protocol for Civil Litigation

All,

I think most of you are aware of ongoing civil litigation that the Post Office is contesting in relation to its IT system – if not I'm happy to brief you on the basics offline.

To enable updates on the case for the Perm Sec and the Minister while protecting POL's legally privileged information, UKGI and POL Legal Counsels have just agreed the attached Disclosure Protocol. Under the Protocol, one of the safeguards is limiting circulation to a small number of named individuals (see appendix B of the attached) who agree to abide by certain confidentiality obligations (see appendix A of the attached).

We've identified you as essential stakeholders to be kept in the loop on this case – e.g. copied into submissions and/or attend oral briefings. If you agree you are the right people and are happy to abide by the contents of the attached Protocol, please could you:

- Sign and return to me page one of the attached asap (as we'll shortly be submitting an update sub)
- Let me know if there's anybody else in your team who is essential to add to the distribution list

Hopefully the Protocol Document itself is self-explanatory but let me know if you have any questions. I've already discussed this with PS-Andrew Griffiths and PS-Perm Sec who are arranging the necessary signatures there.

Regards,

Stephen

Stephen Clarke | Post Office Shareholder Team

UK Government Investments

Corporate finance and governance in government.

1 Victoria Street | London | SW1H 0ET

T: **GRO**
E:

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