

Message

From: Chris Aujard [IMCEAEX-
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80B7-40D2-ADE7-6F6FEAE19CC3F88@C72A47.ingest.local]
on Chris Aujard <IMCEAEX-
behalf _O=MMS_OU=EXCHANGE+20ADMINISTRATIVE+20GROUP+20+28FYDIBOHF23SPDLT+29_CN=RECIPIENTS_CN=CHRISTOPHER+20AA04
of 80B7-40D2-ADE7-6F6FEAE19CC3F88@C72A47.ingest.local> [IMCEAEX-
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80B7-40D2-ADE7-6F6FEAE19CC3F88@C72A47.ingest.local]

Sent: 27/02/2015 10:19:21

To: Belinda Crowe [GRO]; Alisdair Cameron [GRO]; Mark R Davies
[GRO]; Jane MacLeod [GRO]

CC: Paula Vennells [GRO]; Gavin Lambert [GRO]; Mark Underwood [GRO]
[GRO]; Tom Wechsler [GRO]; Patrick Bourke [GRO]
Rodric Williams [GRO]

Subject: RE: Catch up call with Second Sight: Confidential and Privileged

Thanks Belinda – there is one extra bit of information (and legal analysis) that a number of addresses to this email may find helpful in relation to SS's "full access to files" issue, which is this:

Access to files was originally granted (before my time) in relation to an entirely different assignment, the broad terms of which were agreed with SS in June 2012. From what I can see, the background to that review was that we wanted "to conduct an independent review of a number of closed, and possibly some open fraud and theft cases." That review, or a variation on it, was undertaken before the Working Group was formally established, and although it is hard to pinpoint its precise end date, it would seem to me that it did not survive beyond the publication of the so-called "spot reviews". It also seems to me that it was conducted for our benefit, although it was expressed to be an "independent review". For this reason, more liberal access was granted to our internal records etc. than is fitting in current circumstance – Rod is doing a more detailed technical note explaining the reasons why.

The upshot of this is that there are very good reasons why the approach adopted by us in the past (with respect to disclosure) should not (as SS insist) be taken as a guide to the approach that is appropriate to adopt now. Again Rod's note will go into more detail. SS have persistently refused to acknowledge that their status has, at a contractual level, changed over the last 3 years, and it may be beneficial if this point were firmly brought to their attention at any face to face meeting, given their current hardening stance.

One final point. It is important to try to preserve privilege over legal advice, as there is a real possibility that some of the email traffic now generated may be subject to disclosure requests. For that reason can I ask you **not to respond to this email**, but if you want to add to the above, to please start a new email chain.

Jane – I hope the above helps set the scene for next week's meeting with SS.

Regards

Chris

From: Belinda Crowe
Sent: 27 February 2015 09:00
To: Alisdair Cameron; Mark R Davies; Jane MacLeod; Chris Aujard
Cc: Paula Vennells; Gavin Lambert; Mark Underwood; Tom Wechsler; Patrick Bourke; Belinda Crowe
Subject: Catch up call with Second Sight

All, just a quick note about catch-up call Tom, Mark and I had with Second Sight yesterday. This was just a regular weekly catch-up call about progress with cases and the Part Two response. I caught up with Al afterwards about the reference to the suspense account and he asked that I email round and copied Paula. I also updated others on our daily catch up call yesterday afternoon.

The headlines were:

- They were vague as to when they will have a draft for release to the Working Group but very unlikely it will be before they come in on 4 March to meet Al and Jane.
- They articulated the three big issues as far as they are concerned as:
 - full access to legal files (including legally privileged material):
 - previously they were allowed full access to all legal files including privileged information but that changed about a year ago with no explanation as to why
 - Jane's letter on M103 gets to the heart of this matter and they will pick this up with her on 4 March
 - regardless of what Tony said at the Working Group about what legal documents should be handed over (i.e. they should be able to access all the documents the defence would have had if they are still available), he had acknowledged that it was a matter for POL as to whether it chose to waive privilege
 - clear major breakdown in communications between legal and the CEO surfaced at the Select Committee on access to legal files
 - the matter of miscarriages of justice is at the heart of everyone's concerns as (they claim) articulated by Paula at the Select Committee
 - if access is denied they will not pull any punches in their Part Two report
 - access to the 2008 emails:
 - I had requested some articulation of the questions/concerns they are trying to answer. They suggest this over-complicates things. It is simple. They believe that they know the emails exist and they want them
 - it is for them to see source data and form their own view/conclusions
 - they think that as a result of a project that was going on in 2008 there may have been a small test area where access to live data and the ability to edit it was possible and only the emails will provide the answer to that.
 - suspense account:
 - they were grateful for Al's positive engagement on this
 - they were surprised and think Al is too, at what they now know to be large sums of unattributable/irreconcilable money in an unstructured account at the end of each month (Al, this was the gist of what they said, if not the actual wording as GRO and Ron were talking over one another)
 - they are sure Al will agree, as a responsible CFO that this is bad practice
- They really did not seem very interested in all the other Horizon related issues i.e. 100+ questions they have posed and we have answered
- If they don't get what they want they will say so in their report and 'will not pull any punches' in terms of what they say in their report about it.

Colleagues who are due to meet with them may also wish to note a marked change in tone and behaviour in recent weeks, notably from GRO. He is much more aggressive, accusatory defensive and in tone than our previous experience. I would speculate that this is frustration because they are still struggling to find a smoking gun and feel the weight of expectation from others to do so, especially after the Select Committee. The change is marked and it is worth keeping in mind ahead of next week's meetings.

We are factoring the above into our planning.

Best wishes
Belinda

Belinda Crowe

148 Old Street, LONDON, EC1V 9HQ

GRO Postline: **GRO**
GRO