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17 January 2019

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Dear Sirs

**The Post Office Group Litigation**  
**Horizon Issues Trial: Disclosure and Trial Bundle**

We refer to your letters dated 10 December 2018, 19 December 2018 (second letter), 21 December 2018, 14 January 2019 and 15 January 2019.

**1. Witness statements**

- 1.1 We have responded to your request to inspect those documents referred to within our client's witness statements for the Horizon Issues Trial pursuant to CPR 31.14(1)(b) in the table below.

	Disclosure Request	Response to request
1.	Hard copy Horizon System User Guide (1999/2000)	Document has been disclosed: POL-0026602
2.	Security Operation Manual	<p>There have been a number of versions of the Security Operation Manual issued by Post Office to Subpostmasters. We understand from Post Office that the process for reviewing the Security Operations Manual included a review to simplify the document by removing unnecessary duplication, amalgamating some sections, and updating others.</p> <p>The following documents have already been disclosed:</p> <ul style="list-style-type: none"> <li>• POL-0156169 (May 2004)</li> <li>• POL-0184466 (May 2005)</li> <li>• POL-0175375 (January 2008)</li> <li>• POL-0156170 (August 2013)</li> </ul> <p>As per your request, Post Office have provided us with a copy of the Security Operations Manual issued in October 2016. Disclosure of this document is being provided under the Begin Bates number of POL-0449053, which is contained within the enclosed Disclosure list.</p>

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3.	Branch Focus article (3 March 2016)	Disclosure of this document is being provided under the Begin Bates number of POL-0449052, which is contained within the enclosed Disclosure list.
4.	Branch Focus article (5 September 2018)	Disclosure of this document is being provided under the Begin Bates number of POL-0449090, which is contained within the enclosed Disclosure list.
5.	Record of alterations to the Oracle audit table	<p>This request relates to the First Witness Statement of Torstein Godeseth and asks for the 'record of alterations' to the Oracle audit table.</p> <p>No reference is made to a record of alterations within the First Witness Statement of Torstein Godeseth. Fujitsu have now confirmed no such record of alterations exists.</p> <p>Disclosure of the available information held by Fujitsu was given on 21 December 2018 under the Begin Bates numbers of POL-0444105 → POL-0447287.</p>
6.	Managed service change document which has been signed off each year (prior to July 2015)	<p>Disclosure of the MSC Logs was provided on 21 December 2018 under the Begin Bates numbers of POL-0444102, POL-0444103 and POL-0444104.</p> <p>You will note that Mr Godeseth simply makes reference to a process and does not reference any specific document. For this reason, we do not consider this request to be a proper request pursuant to CPR 31.14 (1)(b). In any event, the MSCs have already been disclosed to your client.</p>
7.	Audit reports of Horizon carried out annually by Ernst and Young or otherwise	<p>Copies of the following audit reports have already been provided:</p> <ul style="list-style-type: none"> <li>• 2011 E&amp;Y Report (POL Management Letter) : POL-0219218</li> <li>• 2012 E&amp;Y Report (ISAE3402) : POL-0219219</li> <li>• 2013 E&amp;Y Report (ISAE3402) : POL-0218336</li> <li>• 2014 E&amp;Y Report (ISAE3402) : POL-0218579</li> <li>• 2015 E&amp;Y Report (ISAE3402) : POL-0218708</li> <li>• 2016 E&amp;Y Report (ISAE3402) : POL-0219210</li> <li>• 2017 E&amp;Y Report (ISAE3402) : POL-0220665</li> <li>• 2018 E&amp;Y Report (POL Audit Planning Report) : POL-0219017</li> </ul> <p>While our client has provided the disclosure ordered by the Court, our client is prepared to provide the documents requested on a voluntary basis. Our client has requested relevant documents from Fujitsu. They will be reviewed for privilege and disclosed as soon as possible.</p>
8.	Professor McLachlan's reports	<p>We note that this request relates to documents prepared by Professor McLachlan, a witness for the Claimants, on behalf of Seema Misra, who is one of the Claimants.</p> <p>While you will be able to obtain these from Professor McLachlan direct, for ease of reference these reports have already been disclosed <u>by the Claimants</u> as follows:</p> <ul style="list-style-type: none"> <li>• 21 September 2009 : C-0005287</li> </ul>



		<ul style="list-style-type: none"> <li>• 19 November 2009 : C-0005255</li> <li>• 4 February 2010 : C-0005215</li> <li>• 12 February 2010 : C-0005222</li> <li>• 25 February 2010 : C-0005232</li> <li>• 30 September 2010 : C-0005246</li> </ul>
9.	Advice sent to Subpostmasters in relation to the bug known as Callendar Square	<p>Torstein Godeseth, at paragraph 13.5 of his second witness statement, states:</p> <p><i>"Once the bug had been reported by the Subpostmaster and investigated by Fujitsu, advice was provided to Subpostmasters by Post Office. I have not seen this advice but I understand from speaking to Gareth Jenkins that it would have told Subpostmasters to take extra care in handling transfers and to avoid duplicating Transfers"</i></p> <p>You will note that Mr Godeseth simply makes reference to the advice given and does not reference any specific document containing this advice. For this reason, we do not consider this request to be a proper request pursuant to CPR 31.14 (1)(b).</p> <p>Notwithstanding the above, we confirm Post Office is in the process of searching for copies of the advice sent to Subpostmasters in relation to the bug in Riposte Software known as Callendar Square. As the Callendar Square bug occurred in 2005 it is not envisaged that Post Office still holds the document containing this advice. We will provide any responsive documents to you as soon as possible.</p>
10.	West Byfleet Event Log	<p>From our reading of your letter, it appears that the documents you are seeking disclosure of are the transaction logs which were provided to Professor McLachlan in connection with the preparation of his Technical Report dated 4 October 2010 in relation to the criminal proceedings against Ms Seema Misra. Again, as Professor McLachlan is one of the Claimants' witnesses in the group litigation, and Ms Misra is one of the Claimants, we presume that these documents are available to you.</p> <p>We note that this request relates to the criminal proceedings against Ms Seema Misra, which resulted in Ms Misra being convicted of theft and false accounting and being sentenced to 15 months' imprisonment in November 2010, over 8 years ago. For the avoidance of doubt, should the Claimants seek to re-litigate issues decided within these criminal proceedings, we confirm Post Office's rights are entirely reserved to pursue an abuse of process point.</p> <p>Notwithstanding the above, disclosure of the Horizon Transaction and Events log for the West Byfleet branch for the period 1 December 2006 → 31 December 2007 is being provided within the enclosed Disclosure List.</p>
11.	Spreadsheet of affected branches (payments mismatch bug)	Disclosure of this document is being provided under the Begin Bates number of POL-0448951, which is contained within the enclosed Disclosure list.
12.	Problem review tracker (forum between Atos and POL)	As per your request, Fujitsu have provided us with copies of the Problem Review Tracker which documents the forum

		<p>meetings between Fujitsu, Post Office and Atos. From approximately October 2012, the weekly Problem Review Tracker incorporated all "Closed Problems", meaning the most recent version includes all of the problems closed since October 2012.</p> <p>Disclosure of the following documents is being provided within the enclosed Disclosure list:</p> <ul style="list-style-type: none"> <li>• Problem Review Trackers completed during 2011</li> <li>• Problem Review Trackers completed during 2012</li> <li>• Problem Review Tracker dated 13 June 2018 including all problems closed since October 2012 up to 13 June 2018</li> </ul>
13.	Fujitsu security policy	<p>This document, Fujitsu reference: SVM/SEC/POL/0003 forms part of the Horizon Technical Disclosure Post Office provided on 18 July 2018 (further explained below).</p> <p>There are 49 different versions of this document. Disclosure of these documents is being provided within the enclosed Disclosure list. None of these versions have been redacted or withheld from inspection on the basis of privilege.</p>

## 2. Horizon Management Council

- 2.1 You have requested that our client carries out a search for seven categories of documents in relation to three new custodians in relation to a document that was disclosed on 1 August 2018, over 5 months ago.
- 2.2 You state that we should treat your request as a formal Model C disclosure request. However, your request extends to a broad range of issues, including risk assessment, data logging and those documents relevant to the Horizon Management Council. It is hard for Post Office to make targeted searches for documents responding to the request given its scope and the lack of a date range or source provided. The Disclosure Pilot for the Business and Property Courts requires Model C requests to specify either a particular or narrow class of document relating to a particular issue for disclosure. Your request does neither of these things.
- 2.3 For example, the request for electronic and hard copy documents which contain the words "Horizon Management Council" or "*which relate to the work*" of the Horizon Management Council potentially includes emails, letters, meeting minutes, notes of calls, several iterations of draft documents etc. Providing disclosure of documents which contain or which relate to the Horizon Management Council would require a number of steps, including:
- 2.3.1 The email accounts of Mr Rees, Ms McGinn and Ms George to be extracted from Post Office's servers and processed into our e-disclosure platform. As you will be aware from Post Office's earlier disclosure relating to NFSP, the extraction and processing of this data into the e-disclosure platform will take approximately 1 – 3 weeks (depending on the volume of data);
- 2.3.2 Keyword searches/textual analysis of example documents provided by Post Office would then need to be undertaken to locate potentially relevant documents. It may also be necessary to refine these searches so as to ensure the volume of responsive material passed through to the manual review is reasonable and proportionate. This process would take at least a further 2 – 4 days; and



- 2.3.3 A manual review of search term responsive documents for relevance/privilege. This review may take a number of days or weeks (depending on the volume and size of documents that respond to the searches and analysis).
- 2.4 We therefore propose a pragmatic solution as follows:
- 2.4.1 The scope of the search is limited to:
- (a) the email accounts of Mr Rees, Ms McGinn and Ms George; and
  - (b) the SharePoint site which Post Office's Information Security team stored documents in.
- 2.4.2 Once we have extracted the agreed email accounts and SharePoint documents, we propose to run a search of the following keywords to locate potentially relevant documents:
- (a) "Horizon Management Council"
  - (b) "Horizon Document Pack"
  - (c) "Solution Overview\*\*"
  - (d) "Solution Diagram\*\*"
  - (e) "Risk Register\*\*"
  - (f) "Detailed Solution Documentation"
  - (g) "Single Change Control Process"
  - (h) "Single Change Process"
  - (i) "Financial Review\*\*"
  - (j) "Financial Audit\*\*"
  - (k) "Financial spot check\*\*"
  - (l) "Risk Assessment"
  - (m) "Risk Assessment Information"
  - (n) "Risk Profil\*\*"
  - (o) "IT Assurance"
  - (p) "data logging"
  - (q) "data monitor\*\*"
  - (r) "data delet\*\*"
  - (s) "data chang\*\*"

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Please note, should any of these terms be over-responsive, resulting in the volume of results being too high to review, the keywords will need to be revised and/ or further refined.

- 2.5 Since receiving your letter we have extracted Ms George's email account and have requested Mr Rees and Ms McGinn's email accounts from Mimecast (Post Office's email server provided). As advised above, this process can take approximately 3 weeks. In terms of the SharePoint site, we are in the process of liaising with Post Office's IT team to confirm whether this has already been extracted.
- 2.6 Should you not agree with the above approach, please provide your requests in the form of a Model C request, specifying either a particular or narrow class of document relating to a particular Issue for Disclosure, as required under the Disclosure Pilot for the Business and Property Courts so that Post Office can understand and consider the further disclosure which you now seek.
- 3. Annual Audit Reports**
- 3.1 This has been addressed at section 1, request 7 above.
- 4. Branch Database High Level Design [POL-0219310]**
- 4.1 We confirm this document forms part of the Horizon Technical Disclosure Post Office provided on 18 July 2018. As explained within our letter of 17 May 2018:
- 4.1.1 The Horizon Technical Disclosure was formed of documents sourced from Dimensions that had previously been withheld from inspection on the concern that they contained privileged material;
- 4.1.2 Through keyword searching it was identified that 10,758 (32,702 when families are included) of the documents stored within Dimensions (which was the source of the Horizon Technical Disclosure) may contain privileged material and inspection of these documents was not provided. However, a list of the documents withheld was provided with our letter of 17 May 2018, further copy enclosed for your reference;
- 4.1.3 An invitation was given that, if there were a small number of non-disclosed Dimensions documents which the Claimants' Expert wished to review, then we would be open to reviewing these on an individual basis. This invitation was repeated within our letters of 17 July and 23 July 2018. This same opportunity was given to Dr Worden.
- 4.2 We confirm there are additional versions of this document in Relativity that were not disclosed due to the fact that these versions contained a privileged keyword. We have now reviewed these additional versions for privilege and disclosure of these versions is being provided within the enclosed disclosure list.
- 5. Claimants' Stage 3 Disclosure**
- 5.1 We note that, whilst the Claimants have made a number of additional requests for disclosure, you are yet to describe how those documents provided in your clients' Stage 3 Disclosure were identified or the searches undertaken to find relevant documents. This is in contrast to Post Office's approach to disclosure, whereby we have been transparent throughout the process in terms of the scope of searches undertaken, relevant keywords applied and sought your agreement and input into the process.
- 5.2 We remain concerned that your clients may not have undertaken reasonable (or any) searches for material. We therefore ask that you provide the following information, as previously requested within our letters of 23 July 2 August 2018:
- 5.2.1 The sources which have been searched for potentially disclosable documents. Whilst each of the Lead Claimants have provided an Electronic Disclosure Questionnaire, Post Office has not been provided with information on the other document sources available to the remaining Claimants who may hold documents relevant to the Horizon Issues Trial;



5.2.2 How the Claimants / your firm undertook the search for potentially disclosable documents and the review process which was undertaken (ie. keyword searching, document clustering, manual review, etc); and

5.2.3 Any limitations which were placed on the search for potentially disclosable documents

5.3 We note your comments within your letter of 3 August 2018 and 14 January 2019 that you do not consider this information to be relevant and furthermore that you do not consider it to be proportionate exercise for you to undertake to provide the same. However, without such information Post Office is unable to understand the breadth of searches and whether they were sufficiently wide so as to mitigate the risk of further disclosure being given later. Please could you provide this information by 21 January 2019.

## **6. Documents not uploaded to the trial bundle**

6.1 As per our instructions to Opus on 20 December 2018, subject to paragraph 1.2 below, the documents which you identified have been uploaded to the Horizon Issues trial bundle on Magnum.

6.2 In relation to PC0099530, we have not able to locate this document within Mr Worden's Report or its accompanying Appendices. Please could you confirm where this document is referenced and we will arrange for it to be uploaded to the Horizon Issues Workspace.

## **7. Texts and articles referred to in Dr Worden's report**

7.1 We will deal with the uploading of these documents to the trial bundle separately.

## **8. PorterS199P and dsed2640M**

8.1 Disclosure of these KELs is being provided under the Begin Bates numbers of POL-0448589 and POL-0448567, which are contained within the enclosed KEL Disclosure List. These KELs were not previously disclosed due to their being deleted KELs, as further explained below, and are being disclosed to Dr Worden at the same time as being disclosed to the Claimants. Dr Worden was aware of these KELS prior to them being disclosed as they are referenced in the Peaks PC0197409 and PC020367.

## **9. Missing KEL Entries**

9.1 Regarding your queries on the contents of the KEL indexes provided in January 2018, we understand from Fujitsu that:

9.1.1 The index named "Historc\_Kels.xlsx" contains the KEL entries which relate to Horizon.

9.1.2 The index named "Active\_Kels.xlsx" contains the KEL entries which relate to Horizon Online.

9.1.3 Both of these indexes contain those KEL entries which, as at the date the indexes were produced, were "live" KELs. Therefore, these indexes did not contain the deactivated KELs (as explained at paragraph 61.6 of Mr Parker's witness statement), or deleted KELs (as explained at paragraph 61.9 of Mr Parker's witness statement).

9.1.4 The KELs which were extracted by Fujitsu and disclosed in May 2018 were those entries listed in both indexes, plus the deactivated entries. The difference between the number of KELs in the indexes and number of KELs in the extraction is therefore believed to be caused by the exclusion of deactivated KELs from the indexes, which were however disclosed.

## **10. Deleted KELs**

- 10.1 The extraction of KELs which was provided by Fujitsu in March 2018 did not contain the deleted KELs and Fujitsu did not make us aware at that time that some KELs had been deleted.
- 10.2 Fujitsu have now provided us with copies of the deleted KELs and disclosure / inspection of these documents is now being provided. The documents are contained within the enclosed KEL Disclosure List. None of the deleted KELs have been redacted or withheld from inspection on the basis of privilege.
- 11. Request for updated disclosure**
- 11.1 As per your disclosure request, Fujitsu have provided us with copies of the KELs which have been generated between 19 March 2018 and 10 December 2018. These are also contained in the enclosed Disclosure List. None of these KELs have been redacted or withheld from inspection on the basis of privilege.

Yours faithfully

Womble Bond Dickinson (UK) LLP

**Womble Bond Dickinson (UK) LLP**

**Enclosures**

1. Horizon Issues Disclosure List 17 January 2019
2. KEL Disclosure List 17 January 2019