



Solicitor to the Inquiry
Post Office Horizon IT Inquiry
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Our ref
9100/31043642

Date
15 December 2021

By email

Dear Sir or Madam

Request for information pursuant to Rule 9 of the Inquiry Rules 2006

We refer to the Horizon IT Inquiry's request under Rule 9 of the Inquiry Rules 2006 sent to Post Office Limited ("**POL**") on 3 December 2021 (the "**Request**") in respect of the following:

- (a) the number of prosecutions POL brought (in total) between 2000 and 2015; and (b) the number of those prosecutions brought that resulted in a conviction ("**Part 1**"); and
- all of POL's prosecution files relating to any conviction (of an SPM, assistant or employee) which took place in the years (a) 2001; and (b) 2011 ("**Part 2**").

In this letter, after explaining our understanding of the scope of the Request and the role of Peters & Peters Solicitors LLP ("**P&P**") in assisting with POL's response, we set out POL's answer to Part 1 of the Request and an explanation of the approach that POL will take to responding to Part 2, as well as other relevant matters that POL wishes to bring to the Inquiry's attention.

The production of the prosecution files that are the subject of Part 2 will follow separately by the deadline set by the Inquiry of 17 December 2021.

Scope of request

As a preliminary point, we understand the Request to be concerned with private prosecutions brought by POL (or Royal Mail Group ("**RMG**") pre-separation) (henceforth referred to collectively as "**POL Prosecutions**") and not those brought in relation to POL matters by: (a) other enforcement authorities such as the Crown Prosecution Service (the "**CPS**"), the Department for Work and Pensions (or its predecessors) (the "**DWP**"), the Public Prosecution Service Northern Ireland (the "**PPSNI**") and the Scottish Procurator Fiscal or (b) other corporate entities (e.g. RMG post-

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separation)¹. Given the Inquiry's Terms of Reference, we also understand the Request to be concerned with POL Prosecutions brought (entirely or in part) on the basis of evidence from the Horizon system. Unless stated otherwise, the details of the prosecution statistics and production of prosecution files have been confined accordingly.

Assistance of Peters & Peters

In order to respond to the Request, we have sought the assistance of POL's criminal law advisors, P&P, who (as the Inquiry is aware) have been assisting POL with appeals arising from its historical private prosecutions. This has involved an extensive² post-conviction disclosure exercise (the "PCDE"), covering cases where: (a) the individual was convicted of a criminal offence; (b) POL (or RMG for prosecutions relating to POL that took place pre-separation) was the prosecutor; (c) the prosecution was based wholly or partly on data derived from the Horizon IT system; and (d) the prosecution was undertaken between 2000 and 2013.

We set out below various caveats in relation to the data provided in response to this request and understand from P&P that these caveats exist notwithstanding the extensive PCDE that has been undertaken.

Part 1 of the Request - Prosecution statistics

We are instructed that POL brought a total of 844 prosecutions³ between 2000 and 2015, which resulted in 705 convictions.

Limitations on available data

There are however a number of limitations in respect of the data on which these figures are based. The first is that the main source of information for them is contemporaneous casework spreadsheets that were manually created and maintained at the time of the investigations/prosecutions by members of the POL Security team. There are multiple different spreadsheets and versions of each of the spreadsheets, which to some extent overlap. In the course of the collation and analysis of this data, P&P have identified instances where data is incomplete, incorrect or inconsistent. Whilst P&P have attempted to verify and reconcile the data (as explained in the following paragraph), this has not always been possible.

The second limitation relates to steps that have been taken by P&P to verify certain of the information in the spreadsheets, in particular: whether POL/RMG was the relevant prosecutor (or whether this was a public/other prosecutor); whether the prosecutions were based in whole or part on data derived from the Horizon system; and the date of conviction. These steps include reviewing any available underlying material and writing to the relevant court for each case to request copies of a certificate of conviction and/or court records sheets. It was not possible to verify these matters for all cases due to a lack of material having been retained by POL/RMG or the courts. In particular, in some cases,

¹ We are aware that RMG did bring at least one Horizon related prosecution post-separation.

² See the comments of the Court of Appeal, Criminal Division, at paragraph 61 of *Hamilton & Others v Post Office Limited* [2021] EWCA Crim 577.

³ We have defined "prosecutions" as including any case in which there was a decision to charge (which therefore includes acquittals and cases which were discontinued post-charge).

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the date of conviction could not be verified.⁴ Where it was not possible to verify information, it was assumed that the prosecutions fell within the PCDE.⁵

These limitations mean that the above figures may not be entirely accurate although, for the avoidance of doubt, neither POL nor P&P is aware of any specific inaccuracies. P&P have also confirmed that they have not identified any prosecutions that are in the scope of the PCDE that have not been reflected in the casework spreadsheets.

Northern Ireland and Scottish cases

P&P have advised that the POL Prosecutions do not include Northern Irish and Scottish cases, as they understand that these were conducted by public authorities. The figures provided by POL in response to Part 1 of the Request therefore do not include such cases.

Post-2013 prosecutions

We understand that POL adopted a general policy in around 2013 of ceasing to bring private prosecutions. A small number of prosecutions were however subsequently brought. As far as POL is aware, only two such prosecutions – Kaur and Singh – were based on evidence deriving from Horizon.⁶ These cases were prosecuted together by POL in 2015 and they have therefore been included in the above figures. Two other prosecutions – Rainbow and Stanton⁷ – were not based on evidence deriving from Horizon and they have therefore not been included in the above figures.

Part 2 of the Request - Prosecution files

We set out particulars of the files that POL will produce in response to Part 2 of the Request in Schedule 1 of this letter. At this stage we provisionally estimate that the production will comprise approximately 15,000 documents but this is subject to possible change. We will include with the production a more detailed index of the material being provided.

There are a number of matters and limitations relating to the production to which POL wishes to draw the Inquiry's attention, which we set out in the following part of this letter.

Key prosecution file repositories

We understand Part 2 of the Request to concern prosecution files relating to any convictions that were *secured* in either 2001 or 2011, within the scope set out above, and this is the basis on which POL has identified responsive documents.

⁴ In particular, for older cases, the court requires the date of conviction to ascertain what records it holds and cannot search for information on convictions using wider search terms.

⁵ For prosecutions brought in Scotland or Northern Ireland, these were excluded from the PCDE as P&P understands that POL (and RMG pre-separation) did not bring private prosecutions in those jurisdictions. Nothing has been identified by P&P in the course of their review to suggest that this understanding is incorrect.

⁶ Other than occurring outside the 2000-2013 timeframe, these cases met the criteria for the PCDE and so were included in the PCDE as outliers. However, the formal date range for the PCDE was not revised.

⁷ It was therefore determined that these cases did not meet the criteria for the PCDE.



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A complicating factor in identifying responsive documents has been that the material that could properly be said to constitute part of a “*prosecution file*” is not typically located in one discrete folder. In the PCDE, P&P gathered documents from multiple repositories. They then tagged documents from any of those repositories to the names of any convicted individuals to whom the documents were relevant. The repositories most likely to fit the description “prosecution files” (and which are also the three single biggest repositories of material tagged in this way) were:

- **The electronic Security team SharePoint system** – this system contains (amongst other things) soft copy files saved by the Security team in relation to their investigations;
- **The hard copy Security team folders** – these folders contain hard copy files maintained by the Security team in relation to their investigations; and
- **The hard copy RMG “Buff files”** – these are hard copy folders that were created and maintained by RMG’s Criminal Law Team (and post-separation by POL’s Criminal Law Team).⁸

In responding to Part 2 of the Request, POL intends to provide any material from these three repositories that is tagged as relevant to an individual that was convicted in 2001 or 2011.

In addition, as part of the PCDE, P&P identified other material for disclosure to convicted individuals. On a broad interpretation, these documents might also be considered part of the “*prosecution files*”. POL therefore intends to provide documents that were tagged in the course of this exercise as relevant to individuals that were convicted in 2001 or 2011 that fall within one or both of the following categories:⁹

- **The Defence Case File (“DCF”)** – documents that it could reasonably be assumed would have been in the possession of an individual at the time of their trial;¹⁰ and/or
- **Disclosable to Appellant (“DTA”)** – documents identified by P&P as meeting the test for disclosure to a convicted individual under the Criminal Procedure and Investigations Act 1996.

Limitations on available data

In the PCDE, P&P identified relevant documents by conducting a substantial search across multiple repositories. Their approach is recorded in a Disclosure Management Document and Addendum that

⁸ We note that once the investigation was complete, the practice typically appears to have been for the security investigation file to be provided to the Criminal Law Team who created a “Buff file”. There is often duplication between the Security team folders and the “Buff files”.

⁹ This material will have been identified and disclosed to all appellants and has been/will be provided to any other convicted individual who responds to POL’s initial correspondence that invited them to make a request for disclosure. However, not all material has been subject to final review and therefore documents may be added to (or removed from) the DCF and/or DTA during these processes. In addition, there are ongoing quality assurance processes which could result in the addition or removal of documents in these categories. The material will therefore reflect the position as at 13 December 2021 and may be subject to change.

¹⁰ The documents typically included in the DCF are set out at paragraph 26 of P&P’s Disclosure Management Document and include: summons and/or schedule of charges; indictment; statements and exhibits served as part of the prosecution case; schedule of unused material; any unused material disclosed; correspondence between the defence/POL; defence statement and any defence expert report; any document served by the prosecution or defence in the course of the proceedings, e.g. opening note, skeleton arguments, s8 CPIA applications, hearsay/bad character applications, etc.

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was disclosed in the course of the criminal appeal proceedings and provided to the Court of Appeal, Criminal Division. We understand from P&P that it was apparent in that exercise that some data is no longer available or complete, apparently having been lost during the passage of time and by the application of "business as usual" data destruction policies, under which we understand that POL/RMG destroyed documents after 6 years.

In particular, the surviving material for prosecutions undertaken in 2001 is very limited. For example, there are typically no hard copy security files, hard copy RMG "Buff files" or electronic SharePoint data for that year. Generally, the volume of available data increases through 2005/2006, becoming more fulsome in approximately 2007. There is therefore significantly more material for the 2011 convictions.

The basis upon which cases were included in the PCDE and are included in the response to Part 2 of the Request is subject to the limitations set out above.

Data protection and publication considerations

The prosecution files that POL will produce in response to Part 2 of the Request contain criminal offence data and may contain special category data, such as health data (e.g. medical reports). POL's view is that it has a lawful basis for processing the data, including special category data, which will be produced to the Inquiry without anonymity redactions or ciphers. POL has also considered its transparency obligations in relation to this data.

We draw the Inquiry's attention to the possibility that some of the documents that POL will produce to the Inquiry will relate to convicted individuals who have not yet requested, and may never request, the provision of the data that has been identified in the PCDE as disclosable to them. Of those who do request the data, some may prefer not to take any step that would result in the data becoming publicly available. There may be a number of reasons for this, including for example that they do not wish to appeal their conviction and/or embarrassment, concern or mental anguish or distress at the prospect of their historical conviction or medical information becoming public.

In order for POL to make representations to the Inquiry at the relevant time and/or to consider whether certain individuals who may fall into the above category should be notified in advance, we should be grateful for the Inquiry's indication in due course as to whether it intends to share any documents produced in response to Part 2 of the Request with anyone or make these documents public.

Legal professional privilege

Some of the documents being produced to the Inquiry are subject to legal professional privilege, which POL waives only for the purpose of the Inquiry and as set out more fully in POL's response of 15 November 2021 to the Inquiry's announcement regarding legal professional privilege.

Format of disclosure

We intend to produce the documentation in the following folder structure format:

- Natives (non-email documents);



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- Images Single page tiffs, including e.g. for emails (if relevant) and their families, only if families are tagged as relevant to the specified individuals); and
- Extracted text.

We will provide a load file in UTF-8 Concordance .DAT file along with an OPT load file for the images.

Whilst the material will be produced as a single set of documents, the DAT file will contain the following tags so the Inquiry can filter documents:

- Name of the convicted individual;
- Defence Case File;
- Disclosable to Appellant; and
- Data source.

Please do not hesitate to contact us should the Inquiry have any questions in relation to the matters addressed in this letter.

Yours faithfully

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Schedule 1
High-level POL prosecution (conviction) file index

Please note that there may be duplication between the documents contained in columns 3, 4 and 5 of each table.

2001

Individual	No. of documents tagged as relevant to individual	No. of documents in Security Sharepoint and in Security / Buff File hard copy	No. of documents in Defence Case File	No. of documents tagged as Disclosable to Appellant
Pamela Irene Lock	90	To be confirmed with production	0	2
Nicholas James Gray	1		0	0
Zahid Mahmood	1		0	0
Balbir Singh Grewel	3		1	1
Deborah Lindsey Vilette	3		0	0
John David Maudsley	8		0	0
Ruksana Qasin	2		0	0
Gareth Trevor Snow	3		1	2
Teresa Ann Gooding	2		0	0
Sarah Jayne Mansfield	1		0	1
Christopher David Bolland	3		0	0
Carol Ann Walker	1		0	0
Julia Angela White	1		0	0
Morris	1		0	0
Noor Dad Khan	2		0	0
Joanne Edwards	0		0	0
Elaine Nicola Webb	0		0	0
Panayotis Theophilou	0		0	0
Ayoola Olaleye	0		0	0
Kerry Adam Peck	26		0	0
Kumarasany Varatha-Rajan	2		0	0
David Douglass	1		0	0
Bhasker Patel	1		0	0
Alan Mckeown	1		0	0



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Brian Pickles	1	0	0
Richard John Austin	1	0	0
Manjinder Singh Thethi	0	0	0
Colin David Taylor	0	0	0
Sherie Davies	0	0	0
Katrina Batty	1	0	1
Nalini Joshi	3	0	3
Michael Webb	0	0	0
Gary Daniel Anthony Lucas	1	0	0

2011

Individual	No. of documents tagged as relevant to individual	No. of documents in Security Sharepoint and in Security / Buff File hard copy	No. of documents in Defence Case File	No. of documents tagged as Disclosable to Appellant
Alison Lorraine Hall	1524	To be confirmed with production	68	58
Damian Owen	3250		109	31
David Thomas Hedges	1462		17	47
Gillian Howard	2122		101	46
Neelam Shanaz Hussain	745		137	24
Tim Burgess	558		29	32
William Graham	556		35	55
Clive Ian Haverley	319		22	86
Jahira Begum	1450		198	149
Husmukh Jetha Shingadia	758		50	31
Anthony Terence Joseph Bunclark	321		88	26
Tracey Ewington	555		199	1
Parvar Singh	404		60	7
Peter Thomas Guest	408		87	1
Rajinderpal Garcha	1008		91	139
David Griffiths	723		51	214
Ashok Kumar Vara	108		25	7
Davinder Bangay	441		55	15
Barbara Ward	147		26	6
Leah Marie Booker	203		63	18



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Yogesh Patel	703	92	11
Michael Paul Andrews	319	108	28
Dewi Eirwyn Lewis	253	37	67
John Andrew McCutcheon	502	112	24
Robert John Boyle	603	121	212
Patricia Anne Graham	670	75	36
Ali Hashimi	307	92	33
Dhiren Patel	303	53	94
Gurdeep Singh Dhale	340	48	30
Amanda Jayne Mackrill	838	24	8
Jil Davitt	726	285	15
Katharine Jane McQue (or Jacqueline McQue)	1145	197	45
Rooprit Gill	261	52	27
Sharon Carter and Andre Guinebault	648	180	3
Simon Richard Preston	245	76	55
Duranda Clarke	383	93	71
Owain Stephen Davies	64	17	4
Robert James Humphrey	1265	868	55
Alan Richard Patrick	618	63	23
Tahir Mahmood Sethi	304	102	14
Elena Herd	202	40	3
Derek Ian Taylor	734	135	106
Vipinchandra Ambalal Patel	667	28	127