

From: "pete.newsom" [GRO]
To: Andrew Parsons [GRO]
"Legal.Defence" [GRO]
"Michael.Harvey" [GRO]
"Torstein.O.Godeseth" [GRO]
Cc: Rodric Williams [GRO], Victoria Brooks [GRO]
Amy Prime [GRO]

Subject: RE: URGENT - Post Office Group Litigation - legally privileged [BD-4A.FID26896945]

Date: Thu, 21 Sep 2017 13:22:02 +0000

Importance: Normal

Inline-Images: image001.gif; image002.gif; image003.gif; image004.gif; image005.png; image006.gif; image007.jpg; image008.jpg; image009.png; image010.png; image011.png

Andrew

Sorry I couldn't take your call. I have a detailed answer for the first 2 questions which I think we can weave into your letter for the KELs:

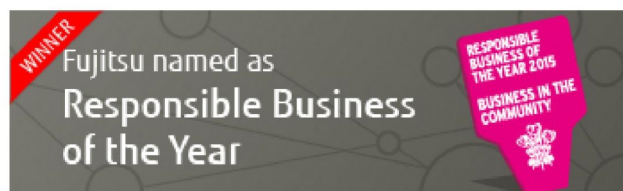
- 1. Known Error Log** – Freeth's are pressing hard for access to the KEL and are threatening to get a Court Order. We'd like to discuss whether, and if so how, we could give Freeth's IT expert access to the KEL. Fujitsu suggests that once Freeth's have appointed a suitable IT expert who has signed NDA's to preserve Fujitsu's commercial position we could make the system available in our Bracknell offices for supervised inspection. Any questions can be answered on the day or submitted in written form after the visit. Depending on the length of visit and the follow up questions this could be a chargeable activity if not contained.
- 2. Preservation of Counter Logs** – Freeth's are pushing for branch terminals and / or counter logs to be preserved. We think we have a proposal that might solve this issue which would involve a hopefully small number of Counter Logs being copied. However, we will need Fujitsu's help with this. If an incident occurs that is reported to NBSC and they on investigation report a technical issue in one of the 153 Post Offices who are part of this Litigation then once informed by Bond Dickinson Fujitsu will download the counter logs and preserve them-. As the counter logs are purged after 30 days in order to give coverage either side of the incident Fujitsu must be informed the logs need to be stored within 23 days of the incident occurring. On this basis Fujitsu would preserve the logs for 7 days before and 7 after incident. As per the Known Error Log a suitable IT expert who has signed NDA's to preserve in this instance the confidentiality of the data available we could make the data available in our Bracknell offices for supervised inspection potentially in conjunction with transactional data in order to add the correct context to this information. Any questions can be answered on the day or submitted in written form after the visit. The collection of data for the 153 branches post incident would be covered under service activity but any visits and subsequent activity would be a chargeable activity.

Hope this gives you the dialogue to expand the letter slightly but in essence we are OK with the letter. I will give you a call shortly.

Pete

Pete Newsome
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From: Andrew Parsons [mailto:[REDACTED] GRO]
Sent: Thursday, September 21, 2017 12:53 PM
To: Defence Legal (Chris Jay,) [REDACTED] GRO; Harvey, Michael [REDACTED] GRO
Newsome, Pete [REDACTED] GRO; Godeseth, Torstein [REDACTED] GRO
Cc: Rodric Williams [REDACTED] GRO; Victoria Brooks [REDACTED] GRO
Amy Prime [REDACTED] GRO
Subject: URGENT - Post Office Group Litigation - legally privileged [BD-4A.FID26896945]
Importance: High

Pete

Just left you a voicemail.

We've been chased by Freeths in relation to the Known Error Log issue and they are threatening an application to the Court so this one is now very urgent.

Essentially, we're looking for Fujitsu's approval of the proposal in the attached letter.

Please could you give me a call asap.

Kind regards
Andy

Andrew Parsons
Partner
Bond Dickinson LLP

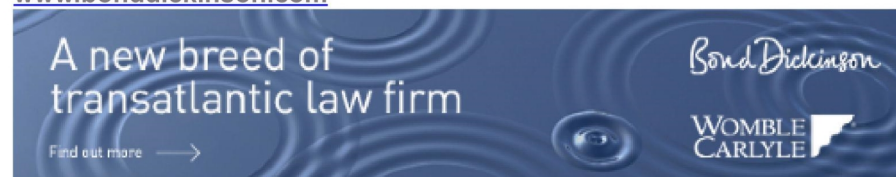
Bond Dickinson

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From: Andrew Parsons
Sent: 20 September 2017 18:31

To: Legal.Defence([GRO]); 'Michael.Harvey([GRO]); 'pete.newsom([GRO]); Godeseth Torstein([GRO])
Cc: 'Rodric Williams'; Victoria Brooks; Amy Prime
Subject: RE: Post Office Group Litigation - legally privileged [BD-4A.FID26896945]

Pete

As per the below, please find attached two draft letters regarding the KEL and the Counter Logs.

I'd be grateful for your comments on these letters.

Please note that Post Office has not yet approved these letters so they may change but I wanted to give you early sight of them so that you understand the direction of travel.

Kind regards
Andy

From: Andrew Parsons
Sent: 20 September 2017 10:58
To: Legal.Defence([GRO]); 'Michael.Harvey([GRO]); 'pete.newsom([GRO]); Godeseth Torstein([GRO])
Cc: 'Rodric Williams'; Victoria Brooks; Amy Prime
Subject: RE: Post Office Group Litigation - legally privileged [BD-4A.FID26896945]

Pete

As discussed yesterday – please find a quick summary of the actions.

1. KEL – the current thinking is that we should be able to allow Freeths' IT expert to access the KEL. This should be on the basis that they simply review it and then submit any questions in writing at a later date.
 - o Pete to speak to FJ support team about the practicalities of doing this.
 - o BD to circulate draft letter to Freeths with proposal for accessing the KEL.
2. Preservation of Counter Logs – the current thinking is that we should be able to build a process that preserves Counter Logs in particular branches where there is a recognised problem. This should largely mirror the normal process followed by FJ.
 - o BD to circulate draft letter to Freeths with proposal for accessing the KEL.
 - o Pete to speak to his support team about the practicalities of doing this.
 - o Pete to check on lead / response times for preserving logs given that they expire every 30 days.
 - o Pete to check whether this is covered by FJ's usual charges to POL or will incur an extra charge.
 - o Torstein to confirm that we are accurately describing what information is and is not available on the terminals (this needs to be 100% correct – so please can we double check)
3. Access to documents – if we are able to voluntarily provide Freeths with access to some / all of FJ's technical documents on Horizon that would reduce the risk of Freeths getting a Court order for this access. The current thinking is that we could provide Freeths with about 20 introductory documents; give them an index to the other 25,000 documents and then let them make reasonable requests for further documents.
 - o Pete to speak internally about granting access to FJ's controlled documents that contain FJ's know-how. In particular, need to consider how to protect (i) FJ's know-how and (ii) security sensitive material.
 - o Pete to figure out whether it is possible to generate an index of all the documents.
 - o Pete to speak to Torstein about whether there are 10-20 key documents that provide an overview of Horizon that could be disclosed to Freeths.

All of the above is subject to Freeths putting up a suitably qualified and independent IT expert who could understand this material. This should not be someone from a competitor of FJ.

Items 1 and 2 are priorities for this week. Pete and Andy to catch-up tomorrow on progress.

Kind regards
Andy

From: Andrew Parsons
Sent: 18 September 2017 08:10
To: Legal.Defence [GRO]; Michael.Harvey [GRO]; 'pete.newsom' [GRO]; Godeseth Torstein [GRO]
Cc: 'Rodric Williams'; Lukas, Elisa [GRO]; Victoria Brooks
Subject: Post Office Group Litigation - legally privileged [BD-4A.FID26896945]

All

Hope everyone had good weekends.

Do you have availability for a call sometime later today or tomorrow to discuss preparations for the Case Management Conference scheduled for 19 October? We can do any time after midday today and any time after 1pm tomorrow.

The points we'd like to pick up are:

1. **Known Error Log** – Freeths are pressing hard for access to the KEL and are threatening to get a Court Order. We'd like to discuss whether, and if so how, we could give Freeths' IT expert access to the KEL.
2. **Preservation of Counter Logs** – Freeths are pushing for branch terminals and / or counter logs to be preserved. We think we have a proposal that might solve this issue which would involve a hopefully small number of Counter Logs being copied. However, we will need Fujitsu's help with this.
3. **Access to documents** – At the CMC there is likely to be a fierce argument about getting access to documents, in particular documents about "*Horizon's IT architecture*". We understand that Fujitsu holds lots of technical documents that describe Horizon and would like to discuss if there is a sensible way to disclose some of these documents to Freeths.

As background information, I've set out below a rough timetable of steps between now and the CMC just so that you have the key milestones in mind.

- 20 September – Freeths to serve their Generic Reply to Post Office's defence (though this date may slip to 25 September).
- 27 September – BD to write to Freeths setting out proposals for the CMC.
- 9 October – Both parties to file proposals with the Court (along with a witness statement explaining those proposals)
- 19 October - CMC

Kind regards
Andy

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