

**From:** Amy Prime [GRO]  
**Sent:** Fri 06/10/2017 10:28:25 AM (UTC)  
**To:** Defence Legal (Chris Jay) [GRO]; Newsome  
Pete [GRO]; Godeseth Torstein [GRO];  
Rodric Williams [GRO]; Andrew  
Parsons [GRO]  
**Cc:** Victoria Brooks [GRO]; Elisa  
Lukas [GRO]; Harvey Michael [GRO]  
**Subject:** RE: Post Office Group Litigation - Known Error Log - legally privileged [BD-4A.FID26896945]

Chris

Thank you for providing us with the NDAs. We shall review these and let you know if we have any comments.

Kind regards  
Amy

**Amy Prime**  
Solicitor  
Bond Dickinson LLP

*Bond Dickinson*

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Office: [GRO]

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**From:** Defence Legal (Chris Jay) [mailto:[GRO]]  
**Sent:** 05 October 2017 17:16  
**To:** Amy Prime; Newsome Pete; Godeseth Torstein; Rodric Williams; Andrew Parsons  
**Cc:** Victoria Brooks; Elisa Lukas; Harvey Michael  
**Subject:** RE: Post Office Group Litigation - Known Error Log - legally privileged [BD-4A.FID26896945]

Rod and Andrew,

Further to my email of yesterday, I have pressed on with the production of the NDA's, having taken the view that both an individual and a corporate NDA is necessary. It may be that this is overkill.

We would certainly wish an individual NDA be signed and are more relaxed about the need for a corporate NDA. Having said that I would not be surprised if IT Group will be looking for a corporate NDA, so I suspect that both will be required.

So please now find attached a draft :-

- Individual Confidentiality Undertaking in letter format for Mr Coyne to sign
- corporate NDA between FJ and IT Group Ltd

No doubt you will let me know if you have any comments -otherwise happy for you to forward these drafts to Freeths.

Many thanks.

Best regards,

Chris

Christopher Jay, Senior Counsel

FUJITSU

Jays Close, Viabes Business Park, Basingstoke, Hampshire, RG22 4BY

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**From:** Defence Legal (Chris Jay)

**Sent:** 04 October 2017 14:00

**To:** 'Amy Prime' [GRO] Newsome Pete [GRO] Harvey

Michael [GRO]; Godeseth Torstein [GRO]

**Cc:** Rodric Williams [GRO] Victoria Brooks [GRO] Elisa

Lukas [GRO] Andrew Parsons [GRO]

**Subject:** RE: Post Office Group Litigation - Known Error Log - legally privileged [BD-4A.FID26896945]

**Importance:** High

Rod and Andrew,

Re the NDA and Amy's below email, I just wanted to bounce some thoughts off you:-

- I note that Mr Coyne is employed by IT Group Ltd. He may of course be a self-employed contractor (or is it "worker"!?). I think that we need to establish which. As you know, as an employee under a contract of employment, conventionally this would mean that FJ enters into an NDA with IT Group Ltd under which IT Group Ltd covenants that it has in place legally enforceable confidentiality provisions given by him. If self-employed it could be that he is contracted through a limited company or even via an agency. These relationships may be more opaque from a an enforceability of confidential obligations point of view
- Either way I would request that he enters into an individual confidentiality undertaking
- I understand that the scope is for Mr Coyne to review and inspect the Known Error Log on a screen only and so as he can understand the contents with no right to ask questions. [Pete has mentioned that he would be entitled to take notes- is this correct?]

- Disclosure – for disclosure only to Freeth's for the sole purpose of Freeth's being able to understand the contents and thereby to conduct its Group Litigation against Post Office?
- IF entitled to take notes – the notes should be destroyed or handed back to FJ on completion of the litigation?
- Other points for the NDA?

I would appreciate your thoughts on this, as I think it is important that we are joined up here. In fact if BD have a precedent easily to hand that we could look at/ utilise that would be even better!

With many thanks.

Best regards,

Chris

Christopher Jay, Senior Counsel

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Jays Close, Viables Business Park, Basingstoke, Hampshire, RG22 4BY

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Mob: [GRO] or internally [GRO]

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**From:** Amy Prime [mailto:[GRO]]

**Sent:** 03 October 2017 12:02

**To:** Newsome Pete [GRO]; Defence Legal (Chris Jay) [GRO]

Harvey Michael [GRO]; Godeseth Torstein [GRO]

**Cc:** Rodric Williams [GRO]; Victoria Brooks [GRO] Elisa

Lukas [GRO]; Andrew Parsons [GRO]

**Subject:** Post Office Group Litigation - Known Error Log - legally privileged [BD-4A.FID26896945]

Pete

The Claimants' expert is Jason Coyne of IT Group and he has proposed the following dates to review the Known Error Log:

- Monday 09 October 2017
- Tuesday 10 October 2017
- Tuesday 17 October 2017

The purpose of the expert reviewing the KEL is for inspection purposes only and so as he can understand the contents. He should not be asking FJ any questions about the KEL – we have brought this to the Freeths' attention and will do so again prior to the inspection by the expert. To ensure that this is the case, our preference would be that the attendee from FJ is only in a position to show the expert how to navigate the KEL rather than facilitate a discussion / answer questions (i.e. a junior member of the team).

If you are happy with this, please could you confirm the name / position of the person from FJ who can attend and whether any of these dates are suitable (and if there is a preference).

If you would like to discuss the above please feel free to call.

Kind regards  
Amy

**Amy Prime**  
Solicitor

Bond Dickinson LLP

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**From:** [pete.newsome](#) **GRO**  
**Sent:** 21 September 2017 14:22  
**To:** Andrew Parsons; [Legal.Defence](#) **GRO** [Michael.Harvey](#) **GRO**  
[Torstein.O.Godeseth](#) **GRO**  
**Cc:** Rodric Williams; Victoria Brooks; Amy Prime  
**Subject:** RE: URGENT - Post Office Group Litigation - legally privileged [BD-4A.FID26896945]

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.

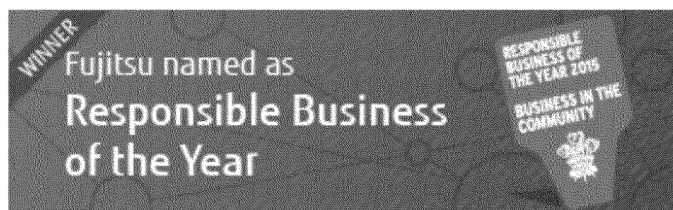
2. **Preservation of Counter Logs** – Freeth's are pushing for branch terminals and / or counter logs to be preserved. We think we have a proposal that might solve this issue which would involve a hopefully small number of Counter Logs being copied. However, we will need Fujitsu's help with this.

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  
Account Manager  
Post Office Account, Fujitsu UK&I  
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E-Mail: [REDACTED] GRO  
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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

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**From:** Andrew Parsons

**Sent:** 20 September 2017 18:31

**To:** Legal Defence **GRO**; 'Michael Harvey' **GRO**; 'pete.newsome' **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

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**From:** Andrew Parsons  
**Sent:** 20 September 2017 10:58  
**To:** Legal.Defence [GRO] 'Michael.Harvey' [GRO] 'pete.newsome' [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

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**From:** Andrew Parsons  
**Sent:** 18 September 2017 08:10  
**To:** Legal.Defence; [GRO] Michael.Harvey; [GRO] 'pete.newsoms'; [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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