



## Updating Paper: Disclosure

### 1. BACKGROUND

- 1.1 This paper provides an update on the disclosure. As a brief reminder, disclosure has been split into stages:
- 1.1.1 During the initial correspondence with Freeths, a small amount of early documents were provided.
  - 1.1.2 In December 2017, the Claimants were provided with Post Office's Electronic Disclosure Questionnaire which describes where Post Office holds information.
  - 1.1.3 A preliminary tranche of disclosure, being basic documents about possible Lead Claimants and documents from Second Sight, was given in January 2018.
  - 1.1.4 "Stage 1" disclosure, being further documents on Lead Claimants, was given in February 2018.
  - 1.1.5 "Stage 2" disclosure, described in more detail below, needs to be given by 18 May 2018.
- 1.2 Post Office has already disclosed to the Claimants 32,828 documents. Other than a few minor administrative points (about things like document references and names), we have had no substantive complaints from Freeths about Post Office's disclosure so far. Two privileged but immaterial documents were accidentally disclosed and this is explained below.
- 1.3 The next steps is "Stage 2 Disclosure" where Post Office needs to provide the Claimants with disclosure of documents which relate to the 6 selected Lead Claimants and policy, process and template documents which concern Post Office's interactions with postmasters (**Generic Documents**). These documents are required for the Common Issues Trial in November 2018 and it is estimated that over 100,000 documents will disclosed.

### 2. STAGE 2 DISCLOSURE: DOCUMENTS WHICH RELATE TO LEAD CLAIMANTS

- 2.1 Post Office has already disclosed c. 4,500 documents which relate to the original group of 12 possible Lead Claimants. Post Office is now giving further disclosure of documents relating to the 6 selected Lead Claimants which are sourced from the following locations.

#### 2.1.1 **Emails accounts of 51 Post Office employees**

8.4 million documents have been extracted from 40 email accounts, of which 45,000 documents were responsive to one of the Lead Claimants keywords (including family documents) and would normally all be subject to a manual review for relevancy and privilege. So as to reduce the number of documents to be manually reviewed to a proportionate and reasonable volume any spreadsheets which were responsive to a Lead Claimant keyword have been removed.

A large number of the spreadsheets generated by Post Office contain a hidden tab in which details of all branches are contained. A look-up function is then used to draw the required information for a particular postmaster from the hidden tab into the front sheets. Although the primary purpose of these documents does not relate to Lead Claimant, but another postmaster, since the Lead Claimants' details are held in the

hidden tab, these spreadsheets are being recognised as a responsive document by our e-disclosure platform. There has therefore been a high number of 'false positive' spreadsheets returned where only a small proportion of the responsive documents are truly relevant to a Lead Claimant. This approach was adopted in Stage 1 disclosure and brought to Freeths attention, who are yet to comment on our approach.

So far, a total of 11,200 documents have been manually reviewed and the initial indications are that 20% of these will be disclosed to the Claimants.

Mimecast has been unable to locate 11 of the email accounts since these employees left Post Office a long time ago and the data as already been deleted.

#### 2.1.2 **SharePoint**

Post Office has 502 SharePoint sites which contain approximately 2.5 TB of data. Since it would be very expensive to extract and process this amount of data, WBD have sought to reduce the number of sites to be extracted:

- (a) Small sites - 318 SharePoint sites contain less than 10MB of data. The cost of extracting these sites is not proportionate to the volume of documents contained within them and therefore will not be extracted. In testing, 9 of these sites which in total contained 63 documents took approximately 13 hours to extract and cost £4,675 in forensic consultancy and processing time, or £74 per document.
- (b) Irrelevant sites – Kath and Shirley's team have undertaken a review of the remaining sites to confirm which are likely to contain relevant documents. 111 sites contain documents which do not appear to relate to the Group Action so will not be extracted.
- (c) Relevant sites – 73 sites are likely to contain documents relevant to the Group Action so will be extracted, processed into Relativity and reviewed. These documents are currently being processed into Relativity in preparation for the review process.

We have informed Freeths of these decisions over the last two months but have so far had no reply from them.

#### 2.1.3 **Team Drives of NBSC, Legal, Security, Remuneration and Application teams**

These three locations contain 25 TB of data so a full extraction of these drives is not feasible. Post Office has recently transferred these documents onto a new storage platform and discussions are ongoing between WBD, POL IT and Accenture to find the best method to locate the documents within these drives that are relevant to the 6 Lead Claimants without incurring excessive cost.

### 3. **STAGE 2 DISCLOSURE: GENERIC DOCUMENTS**

- 3.1 The second set of documents to be disclosed as part of Stage 2 are specific categories of documents which concern Post Office's interactions with postmasters. For example, documents which explain the products and services a branch can offer; standard contracts and variations; policy, process and template documents relating to the appointment of postmasters; Horizon operating manuals and instructions; guidance relating to branch accounting; training materials and the NBSC knowledge base. There is also a category which covers the Horizon and HNG-X technical documents and the Known Error Log which are held by FJ.
- 3.2 Since Post Office are providing disclosure of specific documents, WBD has held calls with the Post Office employees who are responsible for these documents to understand the exact locations in which these are held and the volume of documents. For the majority of categories

WBD has already extracted the documents for previous disclosure exercises (ie. they are stored in SharePoint so were extracted as part of the Lead Claimant disclosure). At present, there are 9.9 million documents loaded into our e-discovery platform.

- 3.3 To help find the relevant classes of documents within this very large data room, many of the key individuals at Post Office have been able to provide us with sample documents eg. a sample training policy document. Our e-disclosure platform is then able to search for similar documents (using an AI process called "document clustering"). This creates an initial pool of potentially relevant documents that can then be manually reviewed. Where there are no sample documents available, we are building traditional keyword searches to target the required classes of documents.
- 3.4 These techniques will generate considerable cost savings, but they are quite sophisticated and Freeths are quite unsophisticated when it comes to disclosure. We envisage this prompting many questions from Freeths in the future but believe this approach is reasonable and defensible.

#### **4. PRIVILEGED DOCUMENTS**

- 4.1 Two privileged documents have been accidentally disclosed during Stage 1 disclosure.
- 4.2 Freeths have confirmed they have only viewed brief details of these documents, will not seek to use them and deleted the documents from their data room. Both of these documents are mundane and do not cause any risk to Post Office,
- 4.3 The first is a spreadsheet created by Kath / Shirley for tracking and collating documents on the original 110 Claimants. The information contained within this spreadsheet would already be known to the Claimants (ie. level of outstanding debt, issues which they raised in the Mediation Scheme, whether a prosecution was brought against them, first and last dates of service).
- 4.4 The second is a part privileged email chain between WBD, Contract Advisors and Rodric relating to the termination of a Lead Claimant, Stockdale. The email chain concerns the removal of the Camelot terminal from the branch (non-privileged material) and an exchange regarding the drafting of the termination letter (which is privileged). The actual draft termination letter was not disclosed; it was just the covering emails which contain little of interest.
- 4.5 We have reviewed our checks for filtering privileged emails. This involves running keyword searches for likely privileged material (looking for words like "lawyer" and "legal team") in the final batches of documents to be disclosed. To ensure that privileged materials are filtered out at an earlier stage (rather than as a final check) the e-discovery database now highlights all privileged keywords in red so that they are identified during manual review.