

Message

From: Amy Prime [/O=EXCHANGE-ORG/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AB7222DDA3A9453EAED5751238A59562-AMY PRIME]
Sent: 15/03/2019 08:46:45
To: Mark Underwood [GRO]; Ben Beabey [GRO]; Jane MacLeod [GRO]
CC: Ben Foat [GRO]; Zoe Brauer [GRO]; Andrew Parsons [/o=Exchange-Org/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ad9ed344815e47e4aaa3c0e7e1740919-Andrew Pars]
Subject: RE: Postmaster Litigation - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE [WBDUK-AC.FID26896945]

Mark

Yes, the same problem arises with this document.

For UKGI, is necessary to produce a separate paper to Jane's briefing note which is being shared under the protocol?

For BEIS, it is not 100% clear cut that litigation privilege would apply to this document and given there is no protocol for the sharing of information with BEIS there is a risk that the document is shared so widely within BEIS that it loses confidentiality, which is a necessity for privilege to apply.

Since Patrick is not a lawyer, legal advice privilege does not apply.

We would therefore recommend that the document does not contain any information that would be awkward or damaging to Post Office if it was publically released.

We shall circulate any proposed amendments to the note shortly.

Kind regards
Amy

Amy Prime
 Solicitor
 Womble Bond Dickinson (UK) LLP



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From: Mark Underwood [GRO]
Sent: 14 March 2019 21:26
To: Amy Prime; Ben Beabey; Jane MacLeod
Cc: Ben Foat; Zoe Brauer; Andrew Parsons
Subject: RE: Postmaster Litigation - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE [WBDUK-AC.FID26896945]

Amy - please see attached. Presumably, similar problems arise re privilege and FOIA. IS there a way to navigate our way through those in relation to the attached briefing which Patrick has prepared for UKGI / Ministers?

Mark



**2017 Winner of the Global Postal Award
for Customer Experience**

Mark Underwood
Portfolio Director: Legal, Risk & Governance

Ground Floor
20 Finsbury Street
London EC2Y 9AQ

Mobile number: [GRO]

From: Amy Prime [GRO]
Sent: 14 March 2019 21:13
To: Ben Beabey [GRO]; Jane MacLeod [GRO]; Mark Underwood [GRO]
[GRO]
Cc: Ben Foat [GRO]; Zoe Brauer [GRO]; andrew.parsons [GRO]
Subject: RE: Postmaster Litigation - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE [WBDUK-AC.FID26896945]

Ben

You may already have an answer to the below from query from Jane or Mark, but I have discussed the privilege/FOI query with Andy (cc'ed).

It would be easier to maintain privilege over an advice note to PO that is being shared with UKGI, rather than a note to UKGI. The problem with a note to UKGI is they are not the lawyer's (Jane's) client and so legal advice privilege does not apply. We think this would be a document prepared for the purpose of litigation, and therefore attract litigation privilege, but it's not 100% clear cut.

I will circulate the revised note to the full email chain which includes Patrick, but we have added Jane's name to the note to make clear that this is a lawyer's advice note. We have also added an intro para to make the document provenance clear.

When it is sent to UKGI, it should be sent subject to the protocol and under an email along the lines of:
"The attached note and any associated communications contain privileged legal advice. They are being shared with UKGI subject to litigation privilege and without waiving any right to assert legal privilege over these communications against any other party."

The claim to privilege would then trump a FOI request.

If there are any questions on the above, please let me know. I shall circulate the revised note on the other email chain.

Kind regards
Amy

Amy Prime
Solicitor
Womble Bond Dickinson (UK) LLP

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From: Ben Beabey ([GRO])
Sent: 14 March 2019 11:27
To: Jane MacLeod; Mark Underwood([GRO]); Amy Prime
Cc: Ben Foat; Zoe Brauer; Ben Beabey
Subject: RE: Postmaster Litigation - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE

Legal privilege

Jane & Mark - (less Patrick on this email)

I know there's a framework around information sharing with UKGI –my immediate thought concerns the status of this document when it goes across in terms of privilege and restrictions from subsequent disclosure by them under FOI?

B



Ben Beabey
Senior Legal Counsel, Dispute Resolution and Brand
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London EC2Y 9AQ

M: [GRO]

From: Jane MacLeod
Sent: 14 March 2019 11:19
To: Patrick Bourke ([GRO]); Mark Underwood ([GRO]); Amy Prime ([GRO])
Cc: Ben Foat ([GRO]); Ben Beabey ([GRO]); Zoe Brauer ([GRO])
Subject: Postmaster Litigation - CONFIDENTIAL AND SUBJECT TO LEGAL PRIVILEGE

Patrick, Mark, Amy

Please see attached first draft of the 'more detailed' briefing to go to UKGI (legal and shareholder teams) tomorrow and on the detail of the judgement. I have plagiarised (sorry Amy) large sections of the advice from last weekend from WBD.

Please let me know if there is anything else we should say, or say differently?

Ben(s), Zoe – for information only, although I thought it might help with some context ...

Thanks,

Jane

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