

# FREETHS

Womble Bond Dickinson (UK) LLP  
DX 38517 Southampton3

Direct dial: **GRO**  
Direct fax: **GRO**  
Switchboard: **GRO**  
Email: **GRO**

5 March 2019

Our Ref: JXH/1684/2113618/3/MB  
Your Ref: AP6/364065.1369

Dear Sirs

## DISCLOSURE: REDACTED DOCUMENTS

### Introduction

We write in relation to the redacted documents within your client's disclosure for the Horizon Issues Trial, which we have been reviewing with counsel in preparation for trial.

We have concerns about the manner in which redactions have been applied, which we set out below. We invite a review of documents we identify in this letter, and your redactions policy generally.

This is a matter which our counsel is likely to raise during the trial, and therefore we suggest that the redactions which have been applied to the documents we identify in this letter are also carefully considered by counsel. This will ensure that your client will be able to explain the basis of any redactions which are maintained to the Court, if asked – without delay.

### Particular Concerns

#### Redactions referring to branches in Mediation Scheme

The **Branch Outreach Issue (Initial Findings)** relating to the Dalmellington bug was disclosed to us both in unredacted form {F/1415}, and, as exhibited to Mr Godeseth's second witness statement, in redacted form {F/1416}. It is apparent to us that the redactions which had been applied to this document were to mentions of branches affected by the mediation scheme. In the version of this document exhibited by Mr Godeseth, content such as "7 branches match mediation branches", "No branches correlated directly to Mediation dates", and "Branch item occurred 1 week before mediation period" was redacted. This is visible in unredacted form in the previously disclosed version {F/1415/12-13}.

Please read our Data Protection Privacy Notice at [www.freeths.co.uk](http://www.freeths.co.uk)

Freeths LLP is a limited liability partnership, registered in England and Wales, partnership number OC304688. Registered Office: Cumberland Court, 80 Mount Street, Nottingham NG1 6HH. Authorised and regulated by the Solicitors Regulation Authority. A full list of the members of Freeths LLP is available for inspection at the registered office.

05 March 2019

---

# FREETHS

---

There was no proper basis for the redactions of this content, and no explanation has been provided to us as to why the redactions were applied to the version exhibited to Mr Godeseth's witness statement (your letter of 3 January 2019 just says the redacted version was "*mistakenly exhibited*" {H/159}). The fact these redactions were made, and in a significant document, exhibited to Mr Godeseth's second witness statement, causes us concern that similar improper redactions to documents mentioning branches in the mediation process may have been applied to other disclosed documents. Please review the redactions which have been applied to other documents and confirm the position, providing further unredacted versions as appropriate.

## Redactions to Performance Reports

You have disclosed to us a number of **Post Office Limited Performance Reports**. Most are heavily redacted, for example the December 2011 and December 2012 versions are almost incomprehensible {F/864} and {F/1017} as all that can be seen is the first page, and a single line of figures for Horizon availability, {F/864/12} and {F/1017/10}. However, when we look at the March 2012 Post Office Limited Performance Report (which is not currently in the trial bundle, and was disclosed in an unredacted form POL-0121520) we can see that there is specific comment on Horizon Availability on page 13, as follows "*Period 12 availability is 0.9% adverse due to a major incident caused by a hardware issue which is currently under investigation with the manufacturer to establish the root cause. The issue lasted 3.5 hours and was resolved when the infrastructure was manually switched over to backup. Due to the major incident that occurred in this period, the full year availability figure has only marginally remained above the contractual target of 99.45%. The availability in most months was higher than last year; however, the major incidents in July, December and March brought the average down.*" We anticipate there is similar text in other Performance Reports, including those in the trial bundle, which has been improperly redacted. Please review the disclosed versions of these reports and identify whether this is the case, and if so provide versions with the relevant text unredacted. Please generally ensure that your redactions policy is not being applied too extensively.

## Further Heavily Redacted Documents

There are many cases where there are very heavy redactions which cause concern, and we believe are likely to be too extensive. Of particular note:

1. In the **Weekly Highlight Report** {F/619}, dated 15 April 2010, all the content of page 1 is redacted, except the title and the single line "*Horizon Online – Further office migrations remain on hold*". We are concerned that the redacted text is likely to provide further context or explanation in relation to the migration of Horizon Online, and request that you specifically re-review this document to confirm if redactions have been properly applied.
2. In the **May 2010 Network Functional Report** {F/639}, authored by Paula Vennells, Network Director, all text including all internal subheadings is redacted prior to the bullet point "*Executive Correspondence (flagcases): The executive correspondence team are still receiving some letters from MPs despite the current purdah. Each case is dealt with individually ensuring that we tackle any relevant customer issues but stay within current*

05 March 2019

# FREETHS

*purdah guidelines. Internally we are dealing with requests from subpostmasters who would like compensation in relation to closures following the Horizon issues over the Easter period.” Among other things, the redactions mean it is impossible to understand the context and the meaning of “current purdah” and “purdah guidelines”.*

3. In the **ET Performance Meeting, Functional Report – Operations** dated June 2010 {F/658}, the redactions are so extensive the author cannot be identified. It also appears from the content on page 1 and 2, that many bullet points under the heading “IT” have been redacted. We would anticipate these all to be relevant and not subject to privilege, particularly given the date and content of the other bullet points (p1 “Successful completion to pilot of new Horizon Online migration package; Horizon Online High Volume pilot successfully re-commenced”, heavy reactions, then p2 “Horizon On-line losses: Over the last month a small number of branches have raised concerns in regard to system integrity and the creation of losses. So far no evidence of system integrity issues has been found” – then further heavy redactions). Similar issues arise for the June 2010 Network Functional Report {F/657}.
4. In the **Post Office Ltd Board Meeting** to be held on 25<sup>th</sup> September 2013, a 213 page document, the first text which appears is on page 63 {F/1135/63}

*“Operations issues - Fallout from Horizon issues seriously damages public and government confidence in the Post Office  
Further operational issues uncovered (but considered lower risk and lower impact)  
Unforeseen shock (cf unexpected network problems, rainbow, SS) [Mitigation better  
Horizon scanning and good forward looking KPI]  
Brand reputation takes a serious blow and damages news areas of expansion, e.g. SME”*

We anticipate there must be content in this document prior to these entries which is also relevant, and relates to the “Fallout from Horizon issues” being referred to here. We invite a proper review of this document to ensure the redactions have been properly made.

5. In the **Agenda – Operations Board – 21<sup>st</sup> July 2017** {F/1664}, there are extensive redactions and some of these, at least, appear to related to TCs ({F/1664/87-88} followed by redacted pages and content).

## Redactions of single words

As at the Common Issues Trial, we do not agree that privilege can possibly attach to the single word which has been redacted in the “**Redacted Action Summary**” dated 12 June 2014 {F/1222}. This policy of redacting single words (or one or two words) also appears to have affected further documents disclosed for this trial, including:

1. The **Investment Committee Business Case** dated 20 February 2014 (sponsor / project manager Kevin Gilliland and Angela Van Den Bogerd) {F/1180} which includes the line “The Programme split formally from **Redacted** and in December 2013 and is now a completely

05 March 2019

# FREETHS

*separate Programme.*” There are further redactions throughout this document (also reflected in a later version of this document dated 22 May 2014 {F/1217}).

2. **Redacted Follow Up Log** dated 13 November 2014 {F/123}.
3. An email dated 8 June 2015 Subject “**FW: Cygwin Remote Access capability**” {F/1350}, which is as follows:

*“Gavin,  
As discussed, the ISAG guys are looking for explanation of what Cygwin is used for, how it's controlled etc  
The concern is confirming the integrity of the data Redacted. We need to be sure that the data can only be amended by the postmasters etc. and be sure that Cygwin is locked down to prevent changes. Dave Haywood is telling the ISAG team that the request is with "FJ commercial".  
Would you have a dig and let me know what needs to happen to unblock this and make progress.  
Thanks  
Bill  
Bill White I Head of Fujitsu Transition”*

This cannot possibly be a proper redaction.

4. Similarly, **Extract from Lessons Learnt Log - Redacted Scheme Investigation Process; BAU Improvement Opportunities** {F/1420}, which includes text as follows {F/1420/5},:

*“Need to understand and action leanings (sic) from Horizon, HNGx roll out Redacted  
Redacted  
...  
“Adopting a mind-set of that no hidden agenda no ‘skeletons in cupboard’ will demonstrate that lessons have been learned from Horizon, HNG x Redacted and business shows its willingness to change.”*

5. Further examples of this policy appear to be at {F/1501/4}, {F/1520/34}, {F/1540} and {F/1634/7}.

## Other Important Documents

There are other important documents where redactions have been applied within the text which we are concerned about and invite you and your counsel specifically to review:

1. Email from Rob Houghton to Sharon Gilkes 7 July 2016 **Subject: RE The Dalmellington Error in Horizon | problemswithpol** {F/1495.2/1}:

05 March 2019

# FREETHS

*"Can you stand down on this please? [Redacted]  
Any specific actions and I will revert.  
My apologies.  
R"*

2. The response (same date and title) from Mrs Van Den Bogerd to Rob Houghton is entirely redacted {F/1495.3} – we note there are no lawyers copied in this email, and there cannot be any proper reason for the redaction which has been made here or as above.
3. Redactions to the document "**Drop & Go – Settle to Cash Resolution Issues & Options**" dated 7 October 2016 {F/1549} at page 3, 5, 6, 7 and 13. We note in particular 13:

{F/1549/4}

*"1. ... Remedy by FSC involves a debit "transaction correction" [Redacted]  
[Redacted]*

{F/1549/5}

*"3. A new Mode, like "Back Office" Mode. This Mode would remove "Fast Cash" and constrain "Settle" to just the D&G account, also to be used by time out. [Redacted]  
[Redacted] Requires study and development by Fujitsu."*

{F/1549/14}

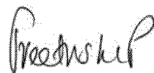
*"The reason for the transaction correction is opaque to the branch,  
[Redacted]."*

## Conclusion

These are serious matters, which directly affect the completeness of the picture available to the Claimants and the Court.

Please confirm the position in relation to the matters we have raised in this letter, and provide unredacted (or less redacted) versions of documents where appropriate, by midday on Friday 8 March 2019.

Yours faithfully



Freeths LLP

Please respond by e-mail where possible