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**From:** Laura Pinkney [GRO]  
**Sent:** Wed 29/10/2014 4:03:43 PM (UTC)  
**To:** Jessica Barke [GRO]  
**Cc:** Chris Aujard [GRO]; Belinda Crowe [GRO]; Rodric Williams [GRO]; Melanie Corfield [GRO]; Angela Van-Den-Bogerd [GRO]; [GRO]; Andy Holt [GRO]; Shirley Hailstones [GRO]; Kathryn Alexander [GRO]; Patrick Bourke [GRO]; Tom Wechsle [GRO]; Mark Underwood [GRO]; Judy Balderson [GRO]; Loraine, Paul [GRO]; Leigh-Doyle, Alva [GRO]; Parsons, Andrew [GRO]; Georgia Barker [GRO]; Eames, Amy [GRO]

**Subject:** FW: Draft CRRs: M031 and M051  
**Attachment:** M031\_Draft\_CRR.pdf  
**Attachment:** M031\_POL\_CR\_Summary\_AD\_120814.pdf  
**Attachment:** M051\_Draft\_CRR.pdf  
**Attachment:** M051\_POL\_Case\_Review\_Summary\_KA\_\_02.09.\_2014.pdf

Hi Jess

Please see Simon's comments below in respect of these draft CRRs.

Kind regards

Laura

Laura Pinkney



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**From:** Simon Clarke  
**Sent:** 29 October 2014 15:41  
**To:** Laura Pinkney  
**Subject:** FW: Draft CRRs: M031 and M051

M031 - "From a criminal law perspective, we have no comment to add."

M051 - "Similarly, we have no comment to add to the POIR or CRR. We are however concerned at the implicit suggestions made by Second Sight that they be provided with:

(at para. 5.15) - an interview transcript or recording; and

(at para. 5.19) - evidence to substantiate Post Office's claim that a member of staff made contact to report possible malpractice being carried out by the Applicant.

We would advise that POL:

- Should not provide any interview tape to Second Sight or any other party. Any interview transcript or extract thereof should only be disclosed in a redacted form.
- Should not provide any information beyond that already disclosed on the topic of third-party concerns regarding the actions of the Applicant at his branch.

We tender this advice for the following reasons:

1. The Applicant was not a defendant in the criminal proceedings.
2. Interviews may well reference matters which may be subject to some or all of the following categories of sensitive, personal or protected material:
  - Information which reveals or suggests Disclosure-sensitive investigative techniques, resources, methodology or policy;
  - Comments by investigation officers which may give grounds for an action in libel, *e.g.* where the involvement in criminal activity of a third party is suggested.
  - Material which, if revealed, may breach Article 8 of the ECHR;
  - Information subject to DPA and/or FOI restrictions.
3. POL has a well-established duty to protect those who provide information on a confidential or anonymous basis. Such protection extends to both the protection of an informant's personal safety and, unless the informant has acted maliciously, from suit. Such a policy has been endorsed by the Court of Appeal (Criminal Division), which has said that the identity of an informant should not be revealed unless such disclosure is in the interests of justice. The interests of justice are served by disclosure only where the withholding of the information prevents a defendant to a criminal charge from properly advancing his defence case, *e.g.* where it may be said that the informant has an

improper motive such that he/she may have manufactured the allegation *etc.*

This is not such a case, not least because this Applicant was not prosecuted; the information proved to be largely correct; it can be clearly inferred from the truth of the information that there was no dishonest or malicious intent on the part of the informant; and because to reveal the identify of the informant without their express permission may expose the informant to the risk of litigation.

It is also to be noted that, were it to become public knowledge that POL had 'outed' a well-meaning informant, other potential informants could be inhibited from making their own reports.

SC

Simon Clarke

**GRO**

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**From:** Jessica Barker

**GRO**

**Sent:** 28 October 2014 17:33

**To:** Chris Aujard; Belinda Crowe; Rodric Williams; Melanie Corfield; Angela Van-Den-Bogerd; Andy Holt; Shirley Hailstones; Kathryn Alexander; Patrick Bourke; Tom Wechsler; Mark Underwood1; Judy Balderson; Loraine, Paul; Leigh-Doyle, Alva; Martin Smith

**Cc:** Parsons, Andrew; Georgia Barker; Eames, Amy

**Subject:** Draft CRRs: M031 and M051

Dear all

Second Sight have released the draft CRRs for cases M031 and M051, which are attached to this email together with the relevant PO Investigation Reports, for ease of reference. Bond Dickinson are to produce the draft response and settlement analysis by COB on Friday 31 October (Paul / Alva, please confirm) so please reply to all with your comments on the Draft CRRs by **COB tomorrow**, Wednesday 29 October, so that they can be incorporated into the response.

Please note that the anticipated deadline for our response is **6 November**.

I will schedule a meeting to discuss our response.

Best wishes

Jess

Jessica Barker

**GRO**

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