

The Post Office Horizon IT Inquiry

Statement of Approach 002: information handling and publication approach



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The Inquiry's Engagement methods

The aims and objectives of the Inquiry's information handling and publication approach

As the Inquiry progresses with the engagement processes set out on the 5th November in the Statement of Approach 001, the Inquiry will:

- Hold a public record of all the information the Inquiry receives through its various engagement approaches.
- Further, make some of the information the Inquiry receives available to the public, so far as that is consistent with other competing considerations such as commercial sensitivity, confidentiality, privacy and data protection.

This should ensure that this non-statutory Inquiry is conducted as transparently as is reasonably possible.

Approach to information handling and publication

This Statement of Approach 002 sets out the information handling and publication approach that the Post Office Horizon IT Inquiry will follow. The Inquiry has, as of today:

- Published a webpage on Gov.UK – [The Post Office Horizon IT Inquiry records and evidenced received](#) - where relevant records received or created by the inquiry will be logged and, where appropriate, published.
- Created a records inventory and schedule where timeframes are detailed for the logging and/or publication of information and records on the abovementioned webpage (see page 5).
- Created the criteria for publication status (available, anonymised, redacted or not available for public viewing) and what situations would apply to each status (see pages 6, 7 and 8).
- Published an information handling protocol (see Annex A of this document).

Criteria for Publication Status

The table below sets out the criteria for assigning a publication status to the records received by the Inquiry. Each request for redaction or non-disclosure will be considered on a case-by-case basis in line with the information sharing protocol.

Publication status	Criteria
Available but anonymised (author not listed)	<ul style="list-style-type: none"> • Individual requests privacy • Submitted anonymously
Redacted	<ul style="list-style-type: none"> • An organisation submits information which contains sections of commercially sensitive material, or personal data. • An organisation or a person submits information with personal data or other information that cannot be disclosed legally or without the consent of the original owner/provider of the information.
Not available for public viewing	<ul style="list-style-type: none"> • Documents containing personal data which cannot be disclosed because of a lack of legal basis; • confidential documents; • documents requiring third-party consent for disclosure and where relevant consent for publication has not been given; • commercially sensitive documents where publication of the information or document could have an adverse effect on the organisation; and • documents which attract legal professional privilege.
Available	Any records not meeting the above situational criteria

The inventory and schedule for logging information received by the Inquiry

The table below sets out which records will be logged on the [records webpage](#) when, and the publication status these records will receive when they are logged.

Evidence base A: oral contributions	Logged on the Inquiry's records webpage	To be published during the inquiry ("live") or at report stage ("end")	Publication status to be assigned	Timeframe for publication after receipt	Where to locate record(s) on the webpage
Meetings with participants and stakeholders outside of the public hearings (stage 1 and stage 2)	Yes	Live	Available	Within 30 days	The document: "Meetings and Engagements Scheduled" in the <i>Supporting documents</i> section
Public hearings stage 1: hearing from those affected	Yes	Live	For open sessions: Available For closed sessions either: Available but anonymised or Redacted.	Within 30 days	Recordings to be uploaded to the section <i>Video or Sound Records</i> .
Public hearings stage 2: hearing from institutions	Yes	Live	Available	Within 30 days	Recordings to be uploaded to the section <i>Video or Sound Records</i> .
Private 1-2-1 hearings with Chair	Yes	Live	Not available for public viewing but	On day of report publication	The document: "Meetings and Engagements

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Evidence base A: oral contributions	Logged on the Inquiry's records webpage	To be published during the inquiry ("live") or at report stage ("end")	Publication status to be assigned	Timeframe for publication after receipt	Where to locate record(s) on the webpage
			recorded on website		Scheduled" in the <i>Supporting documents</i> section.

Evidence base B: Written text or literature	To be logged on the inquiry's collections page (Y or N)	To be published during the inquiry ("live") or at report stage ("end")	Publication status to be assigned	Timeframe for publication after receipt	Where to locate record(s) on the webpage
Written statements regarding Human impact/cost	Yes	Live	Available but anonymised or redacted, where individuals consent. Otherwise unavailable.	Within 30 days	Each statement published in the <i>written statement human/impact cost</i> section.
Information received via an information batch request to the organisations (the Post Office Limited, Fujitsu Services Limited and the Department of Business, Energy	Yes	End	Subject to the criteria for publication status the information will be either: <ul style="list-style-type: none"> • Available; or • Available but anonymised or redacted; or 	On day of report publication	The document: "Evidence received and requested" in the <i>Supporting documents</i> section, and where applicable attachments are located in the <i>Attachments</i> section.

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Evidence base B: Written text or literature	To be logged on the inquiry's collections page (Y or N)	To be published during the inquiry ("live") or at report stage ("end")	Publication status to be assigned	Timeframe for publication after receipt	Where to locate record(s) on the webpage
& Industrial Strategy).			<ul style="list-style-type: none"> Not available for public viewing. 		
Responses to the Call for Evidence questions	Yes	End	Available but anonymised; or redacted	On day of report publication	Record to be published in the <i>Reports</i> section.
Responses to the People Survey	Yes	End	Available but anonymised; or redacted	On day of report publication	Record to be published in the <i>Reports</i> section.
Other evidence received	Yes	End	Subject to the criteria for publication status the information will be either: <ul style="list-style-type: none"> Available; or Available but anonymised or redacted; or Not available for public viewing. 	On day of the report publication	The document: "Evidence received and requested" in the <i>Supporting documents</i> section, and where applicable attachments are located in the <i>Attachments</i> section.

Annex A: Information sharing protocol

A. Introduction

1. This Protocol addresses:
 - The provision of documents to the Inquiry.
 - The redaction of documents provided to the Inquiry.
 - The redaction of documents disclosed by the Inquiry.
 - Requests for anonymity
2. The procedures below are not intended to cover every eventuality or every procedural issue which may arise. It follows that, where the interests of fairness or a particular legal obligation require it, the Inquiry may need to depart from this Protocol. Further, the Protocol may be amended from time to time, in which case an amended version will be published on the Inquiry website.
3. In this Protocol:
 - “Document” means anything in which information of any description is recorded, whether in paper or in electronic form. It will include but is not limited to, contract documents, governing/constitutional documents, guides/codes of conduct, design plans, technical drawings, blueprints, reports, reviews, committee/board minutes, meeting/attendance notes, manuscript notes, memoranda, letters (including fax), leaflets, circulars, emails (internal and external), legislation, policy documents/statements, witness statements, photographs, video and audio recordings and physical evidence.
 - “Provider of documents (“PoD”)” means any person, institution or organisation, which has been asked to provide documents to the Inquiry or which has provided documents voluntarily to the Inquiry. For the avoidance of doubt, it includes Her Majesty’s Government and any Department of State or Minister of the Crown.
 - “Relevant documents” are those which, having regard to the Inquiry’s Terms of Reference, it is likely that the Inquiry would (if aware of their existence) wish to be provided with.
 - “Anonymity” is the protection of a person’s identity from disclosure and/or publication.

B. Provision of Documents to the Inquiry

4. The Inquiry requests anyone who holds relevant documents to supply those documents to the Inquiry. Any person who is in possession of relevant documents is invited to contact the Inquiry as soon as possible so that arrangements can be made for the receipt of those documents.
5. In addition to the above, the Chair, or the Secretariat, may make requests for production of documents to the person believed to have custody or control of them.

PoDs are expected to provide documents requested, together with any other documents they consider to be relevant to the Terms of Reference, without delay and within the timescale specified by the Inquiry. If there are specific reasons why a PoD considers that a document cannot be provided, the Inquiry would expect to receive a reasoned explanation of the reason for non-disclosure (paragraph 11 and subsequent have further detail). Requests for an extension of time can be discussed with the Secretariat.

6. PoDs are expected to undertake comprehensive, thorough and rigorous searches in response to a request for documents. The Inquiry expects that once documents have been identified every care is taken to ensure that all such documents are preserved in their original form. The Inquiry may in due course seek a written account (which may be published), verified by an appropriately informed and authorised individual within a PoD (or the PoD themselves if an individual) setting out in detail the nature and extent of the searches that were made in response to a request from the Inquiry for documents.
7. All documents provided to the Inquiry are expected to be in their original form or if not available, in the best available copies, intact and in unredacted form (save where a listed exception applies, see Section C below).
8. All documents which are provided to the Inquiry should be accompanied by an inventory listing them and signed by or under the authority of the person providing them.
9. All documents should be provided electronically where possible. The Inquiry will be using an online document management review system and electronic documents should be provided either in their native format, for example, Microsoft Word, Microsoft Excel, MSG email files/PST email containers, or by converting any proprietary file formats or open standard PDF.
10. Where hard copy documentation is provided these should be digitised beforehand to multipage PDF format where possible. If there are applicable technical requirements these will be agreed with the PoD.

C. Redaction of documents provided to the Inquiry

11. The Inquiry expects PoDs to cooperate with its requests and only redact or withhold disclosure from the Inquiry on the basis of a recognised legal exception.
12. If a PoD is claiming such an exception, the Inquiry expects the PoD to identify its objection by full reference to specific documents or categories of documents, and support it by a full explanation or submission as to why the information cannot be disclosed.
13. The Inquiry acknowledges that the supply of information under this Protocol that is subject to legal professional privilege (LPP) in favour of a PoD does not constitute a waiver of that privilege. The Inquiry will only use such information in a way that is consistent with its privileged status. Where the Inquiry considers it may be appropriate for the Inquiry to use privileged information in a manner which is inconsistent with its

privileged status, it will write to the PoD for permission to do so, setting out the use the Inquiry proposes to make of the information which it considers is inconsistent with the information's privileged status. The PoD shall, in considering whether to give permission, have regard to the risks associated with that particular information being used in the way proposed by the Inquiry. The PoD will respond to a request for permission within two working days. The Inquiry will not use that legally privileged information in the manner proposed without permission. In relation to the inclusion of legally privileged information in the Inquiry's report, see paragraph 14 below.

14. The Inquiry will, before finalising its report, invite any PoD that has provided legally privileged material to the Inquiry, and which the Inquiry intends to refer to in its report, to comment on how such material is referred to. The Inquiry will have regard to those comments before determining how such material is referred to in the report.
15. A PoD may redact or withhold any material over which the PoD asserts LPP or where disclosure would constitute a breach of confidence. However, PoDs are encouraged to consider waiver of LPP or of any confidentiality obligations (where they have a right to do so). PoDs are also asked to request that any third parties release them from any confidentiality obligations or agreements. Such a waiver is in the interests of transparency and will assist the Inquiry in having the fullest possible picture of the issues that it is investigating. Where **legal privilege** is asserted the Inquiry will not publish information which is provided to it and covered by such privilege.
16. Where a request for non-disclosure or limited disclosure is made for reasons of commercial sensitivity this is to be done by providing the Inquiry with an unredacted version of the document as well as another version with proposed redactions shown as highlighted text and an explanation to support the redactions or non-publication. Pursuant to the request, Chair of the Inquiry may request that the PoD discloses some of the information that would be redacted, if he considers that such disclosure could be made without harm to the interests the provider is seeking to protect. Where the Chair challenges the basis or scale of a request for non-disclosure or redaction and invites disclosure and/or non-redaction but the PoD does not agree the Chair reserves the right to comment on this in the final Report.
17. Whilst the Inquiry does not have the power to compel disclosure of material, it will draw such inferences from any failure to provide information or redaction of information as are appropriate. The Inquiry may also refer to or comment on any failure to provide information or redaction of information, including in the Inquiry's report.

D. Redaction or withholding of documents from the public

18. The Inquiry will hold all documents provided to it in confidence until such time as it proposes to make any onward disclosure.
19. When the Inquiry has decided which documents it intends to disclose to a witness, at a hearing, or to the wider public, it will inform the PoD so that the PoD may indicate which part or parts of the document/s (or document description) it seeks to have redacted or withheld. Reasons must be given by the PoD.

20. An application for redaction or withholding of a document should be made to the Chair in writing. Any such application must include a copy of the document in question marked up with any proposed redaction.
21. PoDs are expected to ensure that all personal data is identified for the purpose of redaction. If a member of the Inquiry team identify any personal data that has not been identified by the PoD they will redact it without further notice unless the Chair considers that it is of relevance and necessary for the purposes of the Inquiry.
22. The Chair will consider all applications for redaction. If he does not consider that grounds for redaction have been made, he will notify the PoD before the document in question is disclosed.
23. The Inquiry expects PoDs to adopt a measured approach when seeking redactions and the Inquiry has committed to publish as much as it can in line with competing interests.
24. The Inquiry will itself review all documents before disclosure to ensure that it complies with its own obligations under the General Data Protection Regulation and the Data Protection Act 2018. The Inquiry's approach to redaction of personal data is governed by the relevance of that data and the necessity for its disclosure.
25. The Inquiry will normally treat as personal information private addresses and private email addresses, private telephone numbers, and dates of birth. Such information will be redacted without the need for any application.
26. The Inquiry expects that requests for redaction or a request to withhold a document will fall within the following categories:
 - a. Those which are required by any statutory provision, enforceable EU obligation or rule of law;
 - b. Those which would otherwise have been withheld from the Inquiry by virtue of Legal Professional Privilege (LPP) or where disclosure would constitute a breach of confidence;
 - c. Those which are necessary in the public interest having regard to:
 - I. The extent to which any restriction might inhibit the allaying of public concern;
 - II. Any risk of harm or damage that could be avoided or reduced by any such restriction. Such harm or damage including (i) death or injury (ii) damage to national security or international relations; (iii) damage to the economic interests of the United Kingdom or of any part of the United Kingdom; (iv) damage caused by disclosure of commercially sensitive information.
 - III. the extent to which not imposing any particular restriction would be likely (i) to cause delay or to impair the efficiency or effectiveness of the inquiry, or (ii) otherwise to result in additional cost (whether to public funds or to witnesses or others).

27. The Inquiry will not disclose any documents which reasonably satisfy any of the above criteria

E. Applications for anonymity

28. A witness or PoD who requests anonymity should do so by a written request setting out brief reasons why they consider anonymity to be necessary.
29. In considering any requests for anonymity, the Inquiry will have regard to the same principles as outlined in Section D above, but will also have particular regard to whether the grant of anonymity to a witness will alleviate or avoid any distress to that person and improve the quality of their evidence.
30. If a statement or other evidence contains criticism of another person or organisation, it may be appropriate to disclose the identity of a witness who has been granted anonymity to the person or organisation criticised and their legal representative (where instructed), in order that they are afforded a fair opportunity to respond to the criticism. However, anyone to whom information is disclosed in this way will be required to keep it confidential and it will not be disclosed to any other person.
31. The Inquiry will provide those affected with notice if it intends to disclose the identity of a witness who has been granted anonymity so as to allow that witness an opportunity to make an application requesting that the Inquiry considers not disclosing this information.

Annex B: Frequently Asked Questions

The Inquiry has stated that it wishes to be transparent, what information will the Inquiry publish and when?

Sir Wyn is committed to making the Inquiry transparent and accessible to the public. This is why every open hearing session as well as other meetings and engagement events will be recorded and published (within a certain period) while the Inquiry is live. Both Statement of Approach 001 and 002 acknowledge that although the Inquiry is non-statutory and needs to work with competing considerations such as commercial sensitivity, confidentiality, and data protection, the Inquiry will record all the meetings, engagements and information it receives on its dedicated public [records webpage](#). The experience of those affected by the Horizon IT system and associated events is central to the Inquiry's terms of reference, and this is why the Inquiry has also committed to publishing, with the necessary consents, any written statements it receives while live. The public may also view and consider the materials, evidence, reports and wider information reviewed by the Inquiry with publication of these records taking place at the end of the Inquiry alongside the publication of the final report. The disclosure of these records will be in line with publication criteria as set out in the Statement of Approach 002.

Why is written evidence being published at the end of the Inquiry and not while the Inquiry is live?

Sir Wyn will publish, for the benefit of a public record, the materials, evidence, reports, and wider information reviewed by the Inquiry alongside the publication of the final report. This approach will ensure that the disclosure of these records aligns with the publication criteria as set out in the Statement of Approach 002, and that the individuals and organisations who submit information for the Inquiry's consideration are afforded the opportunity to consider either their personal position and preference for anonymity, and where relevant, legal matters. The Post Office Horizon IT Inquiry is non-statutory and therefore in its pursuit of relevant and credible evidence will manage the competing considerations of commercial sensitivity, confidentiality, and data protection in conjunction with respondents and participants.

Annex C: Privacy Notice

The Privacy Notice is available in the document 'Statement of Approach 001: participant engagement methods', which is available at the Inquiry's website:

<https://www.gov.uk/government/publications/post-office-horizon-it-inquiry-2020>

Version history

Version number	Date	Changes made
2.0	6 April 2021	Paragraphs 15 and 16 amended in the Information handling protocol Updates to the inventory and schedule tables for information received by the Inquiry.

This publication is available from: www.gov.uk/government/publications/post-office-horizon-it-inquiry-2020

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