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Our ref
2066/31048180
Your ref
-
Date
16 December 2021

By email

Dear Sir or Madam

Post Office Horizon IT Inquiry – General Waiver in relation to NDAs

Thank you for your letter of 13 December. Post Office Limited ("**POL**") can confirm that, to the extent that the matters covered by any non-disclosure agreements ("**NDAs**") fall within the scope of the Inquiry's Terms of Reference and are also covered by legal professional privilege, POL is content to waive the restrictions pursuant to the NDAs for the purposes of the Inquiry, in line with its approach to the waiver of legal professional privilege as set out in its submissions to the Inquiry of 15 November 2021 and subject to the exclusions set out therein.

POL recognises that the Inquiry will wish to consider the creation and implementation of the Historical Shortfall Scheme (the "**HSS**") and the Interim Compensation Scheme in accordance with issue no. 183. POL has no objection to the Inquiry obtaining evidence from applicants to these schemes in respect of the applications they have made for compensation and the amounts of compensation received to date. In respect of the HSS, please note that each offer is made to the respective applicant expressly on the basis that the offer is without prejudice and therefore confidential, unless both POL and the applicant agree to share more widely (except for a legitimate reason or on confidential terms). The Inquiry will therefore need consent from the respective applicant as well as POL. Further, if an applicant is not satisfied with the figure offered to them, they can dispute that figure in accordance with the dispute resolution process. That is a three-step process. The third step is a mediation, run by Wandsworth Mediation Services ("**WMS**"). WMS is a charity chaired by Stephen Ruttle QC, one of the two independent mediators who assisted the parties to reach agreement between Post Office and the claimants in the group litigation. No such mediation has taken place to date, but those that do will be subject to confidentiality obligations owed to all parties, including WMS and so, if the Inquiry were to reach a point where it would wish to discuss any mediation, the Inquiry, the applicant, POL and WMS would need to consider the position at that time.

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Finally, POL notes that it can make an application as appropriate in accordance with the Protocol on Redaction, Anonymity, and Restriction Orders.

Yours faithfully

Herbert Smith Freehills LLP

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