

**POST OFFICE HORIZON IT INQUIRY / METROPOLITAN POLICE SERVICE
MEMORANDUM OF UNDERSTANDING**

A. General

1. The Inquiry and the Metropolitan Police Service (“MPS”) investigation are independent of each other and each is being conducted under separate legal powers.
2. The MPS will provide the maximum assistance to the Inquiry that it reasonably can that is consistent with maintaining the independence and integrity of its investigation and will do so voluntarily wherever possible.
3. The Chair of the Inquiry will use all reasonable efforts, so far as consistent with his statutory duty under the Inquiries Act 2005, to conduct the Inquiry in a way which does not impede or compromise the MPS investigation or its integrity.
4. Communication between the Inquiry and the MPS on matters of disclosure and provision of material under this MoU shall be between the Solicitor to the Inquiry, Segun Jide, and Tracey Fowler of the Directorate of Legal Services at the Metropolitan Police (in the first instance).

B. Assistance to the Inquiry by the MPS

5. The MPS will seek the consent of providers of witness statements or records of witness interviews to the disclosure to the Inquiry of such statements or records of interviews. Where (a) such consent is not forthcoming and (b) the MPS is not willing to provide the material without consent, the MPS will inform the Inquiry of the position as soon as possible.
6. The MPS will provide to the Inquiry team, when requested to do so, a written report as to:
 - (a) the document disclosure, in general terms, it has received from which third parties;
 - (b) the identity of all witnesses it is actively planning to interview, unless there is a reason to protect their identity, and when, with 14 days’ notice of interview date where practicable;
 - (c) the fact that it has interviewed such persons and/or obtained signed witness statements from them, and;
 - (d) the identity of all persons from whom it has received witness statements, whether signed or in draft, unless the MPS have reason to protect the identity of a particular witness.
7. The Inquiry may make requests of the MPS pursuant to Rule 9 of the Inquiry Rules 2006 for disclosure of documents created by the MPS and / or received by it from third parties in the course of the MPS investigation.

8. As soon as practicable after receipt of such material from the MPS pursuant to any such request, the Inquiry will inform the MPS which material that the Inquiry has received from the MPS the Inquiry is intending to or may disclose or publish.
9. The Inquiry shall, where practicable, notify the MPS of any intention to disclose or publish such material (as received from the MPS) with 14 days' notice of any intended date of publication or disclosure.
10. As soon as practicable after receiving the information from the Inquiry under paragraphs 8 and 9 above, the MPS will identify which documents or categories of documents it contends may, if disclosed by the Inquiry to Core Participants or other third parties, prejudice its investigations and in respect of which it would apply for a restriction order under section 19(2)(b) of the Act.
11. The Inquiry will not disclose such documents as are identified by the MPS under paragraph 10 above save:
 - (a) with the consent of the MPS; or
 - (b) after affording the MPS a reasonable opportunity to apply for a restriction order under section 19(2)(b) of the Act; and
 - (c) in any event for the purposes of instructing and taking advice from any expert instructed by the Inquiry and receiving his or her reports.
12. The MPS will afford the Inquiry team, including its experts and assessors, access to all the reports, findings and conclusions reached from time to time by its experts.
13. The Inquiry will not disclose such of its experts' reports as are dependent on or which refer to the work of the MPS experts save (i) with the consent of the MPS, or (ii) after affording the MPS a reasonable opportunity to apply for a restriction order under section 19(2)(b) of the Act.
14. The MPS will permit the Inquiry access to the Investigative teams' database on a "read-only" basis for the purposes of identifying further requests for disclosure as referred to at paragraph 7 above.

C. Co-ordination of the Inquiry's work with the MPS investigation

15. The MPS does not and will not seek disclosure of any documentation from the Inquiry, whether by the Inquiry document management platform or otherwise, unless and until it is made public on the Inquiry's website and / or at a public hearing. The MPS does not seek and will not be provided with any user account for the Relativity platform, used by other Core Participants to the Inquiry.
16. Within 7 days of a written request, the Inquiry team will provide to the MPS a written briefing setting out in summary terms only:
 - a) the types and categories of documents which the Inquiry is intending to seek from third parties; and
 - b) the identity of witnesses from whom the Inquiry is intending to request written statements.

17. The Inquiry will keep the MPS regularly informed by written report, issued every 14 days, as to:
 - a) the identity of all witnesses to whom the Inquiry has issued a request for a written statement pursuant to rule 9 of the Inquiry Rules 2006; and
 - b) the identity of all persons from whom it has received witness statements, whether signed or in draft, unless the Inquiry team has reason to protect the identity of a particular witness; and
 - c) any expert report prepared for the Inquiry.
18. In response to the Inquiry reporting pursuant to paragraph 17 above, the MPS will inform the Inquiry [within 7 days of receipt of] each report whether it objects to the disclosure or publication of any evidence provided by any witness to the Inquiry, and the basis for the objection, in each case giving proper reasons for its objection.
19. The Inquiry will not, pending such discussions as are referred to in paragraph 18 above, disclose or publish such evidence as the MPS identifies should not be disclosed or published unless either the MPS consents following further discussions with the Inquiry, or the Chair of the Inquiry affords the MPS a reasonable opportunity to apply for a restriction order under section 19(2)(b) of the Act.

D. Liaison between the Inquiry and the MPS

20. The MPS and the Inquiry have concluded an Information Sharing Agreement (“ISA”) to make suitable arrangements for the secure provision and discussion of sensitive information pursuant to paragraphs 6 and 17 above. Such arrangements are necessary to protect the rights of individuals and to avoid the risk of tipping off any suspect(s) of the MPS criminal investigation. For these reasons, the ISA will not be disclosed to Core Participants or published on the Inquiry’s website.

Dated 12 August 2022