

## Message

**From:** Emily B Springford [GRO]  
**Sent:** 01/12/2011 15:23:39  
**To:** Helen Watson [/O=BOND PEARCE/OU=First Administrative Group/cn=Recipients/cn=hfw1]  
**CC:** Rebekah Mantle [GRO]; Sabrina Jethwa [GRO]; Anna Maxwell  
[/O=BOND PEARCE/OU=First Administrative Group/cn=Recipients/cn=am9]  
**Subject:** RE: Preservation of data [BP-3A.FID472253]

Helen,

I've discussed this with David X Gray who is one of the people in POL who is responsible for the Fujitsu relationship.

As you know, Fujitsu is a service provider which provides services to POL on an arms' length basis. I'm not sure that this makes Fujitsu POL's agent. The contract provides for a couple of ways in which POL can access transaction data held by Fujitsu, I'm told. First, POL has direct access to the last 90 days' data via the "Credence" system (also provided by Fujitsu). In addition, POL pays a fixed fee per year to access older data, up to a fixed volume. Requests for this data are referred to as "BAU requests" and the data might be used to resolve issues raised by spmr's or in court action. However, David believes that the swathes of data being discussed in respect of these cases would take us well over that "BAU" volume threshold. He said that if we wanted Fujitsu to provide all that data (or just to suspend routine destruction) Fujitsu would have to set up additional server space, and we would need to go through the change request process under the contract, which would involve negotiating a price for that project. I'm not sure whether all this amounts to the data being under POL's control. Could you give some further thought to this?

If you conclude that the data is under POL's control, we should set up a call with David X Gray and Dave Hulbert in POL IT, plus someone from Fujitsu, to discuss the parameters for the project so that we can get an idea of the cost. Then I agree we would follow the step outlined at point 3.

In any event I agree that we should consider whether we would need this data to support our own case and if so whether the benefit is worth the cost. Please do discuss this with Counsel.

In relation to Iron Mountain, as I understand it we have already retrieved everything that was held there relating to the 5 live cases. Do you think we need to expand this to stop destruction of documents relating to all branches? This seems disproportionate to me.

Kind regards

Emily Springford  
Royal Mail Legal Services  
Tel: [GRO]

First Floor, 35-50 Rathbone Place  
London W1T 1HQ

---

**From:** Helen Watson [GRO]  
**Sent:** 01 December 2011 10:05  
**To:** emily.springford [GRO]  
**Cc:** Rebekah Mantle; Sabrina Jethwa; Anna Maxwell  
**Subject:** FW: Preservation of data [BP-3A.FID472253]

Dear Emily

As you know, POL has a duty to preserve all documents it (or its agent - i.e. Fujitsu) holds at the time litigation becomes a possibility, unless an agreement to the contrary can be reached with the other side. This

means that routine document destruction policies have to be suspended or all data retrieved prior to destruction (regardless of the cost, which would be POL's to bear, as they are POL's documents), unless the other side agree that it is unnecessary/disproportionate. Obviously, POL do not want to have to face these costs, which I understand are significant.

This being the case, I think we should take the following steps:

1. Ascertain from Fujitsu:

- \* Why documents have to be destroyed after 7 years
- \* Why that policy cannot be suspended
- \* How much it would cost to suspend it if it were possible
- \* Why the cost of extracting data prior to destruction is so high

2. Find out whether there might be anything in data over 7 years' old which POL might need to prove its case. I think this is unlikely but I think we need to speak to counsel about this. Assuming that there is not, then:

3. Write to Shoosmiths, explaining the answers to the questions at 1. above - including setting out the predicted costs of suspending the data destruction policy and of retrieving data prior to destruction - and advising that, in POL's view it would be disproportionate to either suspend the policy or retrieve data prior to destruction. We should also say that, if they do not agree, then they should set out their reasons why, including why they anticipate that this data will assist their clients' cases - and that, if they force POL to take disproportionate and expensive steps to preserve data, then POL will look to recover those costs from them.

4. If counsel is of the view that POL may need some of this data to prove its case, then either the data destruction policy will need to be suspended or all data retrieved prior to deletion (whichever is the cheaper (I suspect data retrieval), as POL will have to bear these costs).

Having given this more thought, it is important that documents held at Iron Mountain are also preserved even where they are over 7 years' old. There may be no cost to suspending Iron Mountain's document destruction policy so we would not be able to use this argument with Shoosmiths, but we can try and argue that it would be disproportionate and unnecessary to suspend this policy. Again, we will need to check with Richard Morgan whether any of these documents might be needed to prove POL's case (again,

I think this is unlikely, but we should check).

Finally, can I assume that you will take forward internally the "commercial cover" for data retrieved by Fujitsu to date, pending the conclusion of the above process? If this has not been concluded by Christmas - and that is unlikely, to my mind - then Fujitsu will need to go ahead and retrieve the January 2005 transaction data Gareth mentions.

I look forward to your thoughts on the above.

Kind regards

Helen

---

From: Jenkins Gareth GI [GRO]  
Sent: 30 November 2011 17:28  
To: Helen Watson  
Cc: Emily B Springford; Thomas Penny  
Subject: RE: Preservation of data [BP-3A.FID472253]

Helen,

Sorry for the delay.

I can confirm that it is not possible to suspend the routine destruction of data.

We have been asked about preserving data for 4 branches as follows:

Alderley Edge August 2008 to February 2009  
Astwood Bank August 2004 to November 2008  
Hockley May 2005 to November 2007  
Splott Road July 2002 to October 2004

Because of the risk of losing the 2004 transaction records we have retrieved the following in advance of a firm commitment from POL:

Astwood Bank 26 October to 31 December 2004  
Splott Road 26 October to 31 December 2004

It is our intention to retrieve January 2005 transaction requirements prior to the Christmas break.

However we have not yet received commercial cover for these activities from Post Office Ltd and this is outside our standard service. We are expecting Post Office Ltd to sort out these commercial issues and will then make that data available to them. We can continue retrieving data for such branches as required once we get the commercials in place.

On the phone you also mentioned a 5th Branch (Merthyr Tydfil). We have had no requests associated with that branch and so are not aware of any specific times and in particular if any data needs to be preserved related to the 7 year period.

Hopefully that covers everything you needed.

Regards

Gareth

Gareth Jenkins  
Distinguished Engineer  
Business Applications Architect  
Post Office Account

FUJITSU  
Lovelace Road, Bracknell, Berkshire, RG12 8SN

**GRO**

Web: <http://uk.fujitsu.com>

P Please consider the environment - do you really need to print this email?

From: Helen Watson **GRO**  
Sent: 30 November 2011 16:48  
To: Jenkins Gareth GI  
Subject: RE: Preservation of data [BP-3A.FID472253]

To be clear, you have advised that it is not possible to suspend the routine destruction of data - please can you confirm that this is the case.

Thanks  
Regards  
Helen

Helen Watson  
Associate  
for and on behalf of Bond Pearce LLP  
DDI: **GRO**  
Fax:  
[www.bondpearce.com](http://www.bondpearce.com)<<http://www.bondpearce.com>>

[cid:image004.jpg@01CB9225.2930A450]

Bond Pearce - Finalist for The Lawyer 'Law Firm of the Year' Award 2011

From: Helen Watson  
Sent: 30 November 2011 13:59  
To: 'Jenkins Gareth GI'  
Subject: Preservation of data [BP-3A.FID472253]  
Importance: High

Gareth, further to our call this morning, I should be grateful if you would set out for me in an email as soon as possible the current status re the 5 branches we discussed on the phone.

With many thanks.

Kind regards

Helen

Helen Watson  
Associate  
for and on behalf of Bond Pearce LLP  
DDI: GRO  
Fax:    
[www.bondpearce.com](http://www.bondpearce.com)<<http://www.bondpearce.com>>

[cid:image004.jpg@01CB9225.2930A450]

Bond Pearce - Finalist for The Lawyer 'Law Firm of the Year' Award 2011

Please consider the environment! Do you need to print this email?

---

The information in this e-mail and any attachments is confidential and may be legally privileged and protected by law. gareth.jenkins GRO only is authorised to access this e-mail and any attachments. If you are not GRO, please notify helen.watson GRO > as soon as possible and delete any copies. Unauthorised use, dissemination, distribution, publication or copying of this communication is prohibited.

Any files attached to this e-mail will have been checked by us with virus detection software before transmission. You should carry out your own virus checks before opening any attachment. Bond Pearce LLP accepts no liability for any loss or damage which may be caused by software viruses.

Bond Pearce LLP is a Limited Liability Partnership registered in England and Wales number OC311430.

Registered Office: 3 Temple Quay, Temple Back East, Bristol, BS1 6DZ. VAT number GB143 0282 07.

A list of members (all of whom are solicitors of England and Wales or registered foreign lawyers) is open for inspection at the registered office.

We use the word "partner" to refer to a member of the LLP, or an employee

or consultant who is a lawyer with equivalent standing and qualifications.  
Authorised and regulated by the Solicitors Regulation  
Authority.<<http://www.sra.org.uk/solicitors/code-of-conduct.page>>

Unless otherwise stated, this email has been sent from Fujitsu Services  
Limited, from Fujitsu (FTS) Limited, or from Fujitsu Telecommunications  
Europe Limited, together "Fujitsu".

This email is only for the use of its intended recipient. Its contents are  
subject to a duty of confidence and may be privileged. Fujitsu does not  
guarantee that this email has not been intercepted and amended or that it  
is virus-free.

Fujitsu Services Limited, registered in England No 96056, registered  
office 22 Baker Street, London W1U 3BW.

Fujitsu (FTS) Limited, registered in England No 03808613, registered  
office 22 Baker Street, London W1U 3BW.

Fujitsu Telecommunications Europe Limited, registered in England No  
2548187, registered office Solihull Parkway, Birmingham Business Park,  
Birmingham, B37 7YU. (See attached file: C.htm)



\*\*\*\*\* Royal Mail Group Limited registered in England and Wales  
registered number 4138203 registered office 3rd Floor, 100 Victoria Embankment, London, EC4Y 0HQ This email and  
any attachments are confidential and intended for the addressee only. If you are not the named recipient, you must not  
use, disclose, reproduce, copy or distribute the contents of this communication. If you have received this in error, please  
contact the sender and then delete this email from your system.

\*\*\*\*\*