

From: Paul Inwood [GRO]
To: "Loraine, Paul" [GRO]
Cc: "Parsons, Andrew" [GRO], "Porter, Tom"
[GRO] Rodric Williams

Subject: RE: Official Secrets Act

Date: Mon, 23 May 2016 08:55:36 +0000

Importance: Normal

Attachments: _AGREEMENT_23790170(60)_NTM1_ROLL_OUT_-
_Standard_Conditions_Main_(STANDARD_ON_SITE)_- _CLEARED_FOR_USE_-
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Inline-Images: image011.jpg; image012.jpg; image013.jpg; image014.jpg; image015.jpg; image016.jpg;
image001.jpg; image002.jpg

Hello Paul,

See my responses below to yours.

Paul Inwood Postmaster Contracts and Policy Development Manager

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20 Finsbury St London EC2Y 9AQ

Mob. [GRO]
[GRO]



From: Loraine, Paul [mailto:[GRO]]
Sent: 20 May 2016 13:33
To: Paul Inwood
Cc: Parsons, Andrew; Porter, Tom; Rodric Williams
Subject: RE: Official Secrets Act

Paul

I hope you are well.

Have you had the chance to catch up with your colleagues about any examples of the Official Secrets Act's application to SPMRs?

Yes, I mentioned this to Mike Granville who manages the relationship with our shareholder last week. I'll follow this up with Mike and come back.

I also had another couple of follow-up queries which I would be grateful for your help with if possible, please.

1. Has POL ever taken steps for a breach of the OSA by a SPMR and, if so, what were the circumstances? I recall you told me this is not routine but if you have any examples, it may provide us with a better understanding of how the OSA applies in practice. I've never heard of such a case and I've been closely involved with agents contract for ~15 years. If there had been, I'm sure Rod or Jessica Madron would be able to recall or find out.

2. I have been looking again at the SMPR contract (the version I have is the consolidated version dated January 2008).

Section 16, paragraph 1 of the contract states under the heading **Divulgence of Official Information**: “the unauthorised disclosure, or use, of any information or document which has come to the knowledge of a SMPR or sub Post Office assistant through the work of his PO branch is forbidden, Any such disclosure may render the offender liable to prosecution.”

The contract suggests that disclosure of any information or documents that come to the knowledge of an SMPR through their work may leave them liable to prosecution (Freeths make this point in their Letter of Claim, though they quote a different version of the contract). This wording does not sit comfortably with the idea that prosecution would only flow from disclosure of “official information” as defined by the OSA. Do you have any ideas as to why the drafting is so wide? It may be unintentionally wide (ie. it may be intended to only apply to official information as the heading – “Official Information” – suggests). Either way, before we respond to Freeths, it would be useful to understand what section 16 of the contract is trying to achieve and why it appears to limit disclosure of all information.

I wasn't involved in the drafting of S16, and cannot find any record of the evolution of that section. If I was seeking to re-draft it today I would make it very broad so that it covers commercially sensitive information that would not necessarily be caught by OSA, and other information that is not necessarily in the public domain, for example personal information provided by customers and clients.

Perhaps a useful comparator would be the drafting in the more contemporary 'Network Transformation' contracts, example attached. As you'll see, the existing obligations are quite broad and onerous.

Many thanks

Paul

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From: Paul Inwood [<mailto:> **GRO**]
Sent: 10 May 2016 12:15
To: Loraine, Paul
Cc: Parsons, Andrew; Porter, Tom; Rodric Williams
Subject: RE: Official Secrets Act

Thanks Paul. I'll discuss here and then with Rod, verbally.

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From: Loraine, Paul [[mailto:](#) **GRO**]

Sent: 10 May 2016 12:08

To: Paul Inwood

Cc: Parsons, Andrew; Porter, Tom; Rodric Williams

Subject: Official Secrets Act

Paul

It was good speaking to you – thanks for your time.

By way of a quick introduction (and so you have our details), my colleagues Andy and Tom are also working on the group action. No doubt you will deal with us all at some point.

We'll look at the OSA at this end, informed by the helpful description you gave of how the OSA obligations apply in practice to a modern SPMR (ie. that they apply narrowly in relation to internal stakeholder information, eg. budget-related information / changes in vehicle excise duty / interest rates).

Separately, as we discussed, if you could speak to your colleagues about any further examples of the OSA's application and come back to me, that would be very useful.

Thanks

Paul

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