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22 June 2018

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GRO

Dear Sirs

**The Post Office Group Litigation
Disclosure – General Comments**

We refer to your letter of 15 June 2018.

As an overarching response to your letter, we note that the disclosure which you are now providing your comments on was provided on 19 January, 25 January, 28 February and 18 May 2018. Your clients have had over five months to provide its comments on the first stage of disclosure and since no issues were raised with the approach adopted, the approach which was assumed to be acceptable to you and therefore adopted in the subsequent stages of disclosure. Whilst our client has taken time and effort to respond to each of your concerns, it should be kept in mind that dealing with these long after the event has caused additional costs to be incurred.

1. Hardcopy documents

1.1 Post Office has been ordered to disclose the following hardcopy documents:

- 1.1.1 Documents which fall within the scope of paragraph 4 of the First CMC Order;
- 1.1.2 Documents relating to the Potential Lead Claimants which were stored in the Contract Advisor's hardcopy files (pursuant to paragraph 9 of the Second CMC Order); and
- 1.1.3 Documents which fall within the classes of documents set out in Schedule 2 to the Third CMC Order.

1.2 In relation to the disclosure ordered pursuant to each of these Orders:

- 1.2.1 First CMC Order - it was identified that hardcopy versions of these documents would typically be held by either the former agent debt team, contract advisors or in Box-It's archiving facilities. Enquires were therefore made with each of these source locations to identify relevant documents. Disclosure was provided of the relevant documents which were located.
- 1.2.2 Second CMC Order - hardcopy documents were limited to those which were stored in the Contract Advisor's hardcopy files and copies of these files, which still existed, were obtained, searched and relevant documents disclosed.
- 1.2.3 Third CMC Order – we refer to paragraphs 1.2, 4.4 and 5.1 of our third letter of 18 May 2018 which explains in detail the steps taken to identify hardcopy documents.

- 1.3 As explained at Appendix F of Post Office's EDQ, in the ordinary course of business hardcopy documents are normally destroyed by Post Office after 6 years. Whilst this process is now on hold, if a postmaster was engaged with Post Office more than 6 years ago then the hardcopy documents relating to them may have already been destroyed. The same applies to policy and process documents which have not been in use for more than 6 years.
- 1.4 In relation to the Postal Museum, we have been provided with an index of the c.52,000 boxes which are held in this archive. The index contains details of the box number, date on which it was entered into the archive and a brief description of the contents of each box (ie. "303715 WKLY DOCUMNTS WK52 24/3/10 WK38 16/12/09 WK43 20/1/10 WK40 30/12/09" and "DAILY WEEKLY AND MONTHLY ACCOUNTING RECORDS FAD CODE BRANCH NAME OPERATIONS MANUAL"). From these descriptions it is not possible to accurately identify the entire contents of each box.
- 1.5 As explained in our letter of 11 June 2018, we have identified a number of boxes stored in the Postal Museum which contain branch accounting documents relevant to the Lead Claimants. Your second letter of 14 June 2018 confirmed the date ranges which you would like to inspect. There are 3 boxes which contain documents within the date ranges of Abdulla's appointment. None of the documents held for Sabir or Dar fall within these date ranges. We should be in a position to provide disclosure and inspection of these documents by 29 June 2018 and propose that inspection of these documents is provided in hardcopy due to the nature of the documents (eg. till receipts).
- 1.6 In respect of your position that hardcopy documents which were removed from postmaster's branches by Post Office should be disclosed pursuant to either Stage 1 / Stage 2 Disclosure or as adverse documents, please could you explain the Court Order and class under which these documents should have been disclosed or why they should be disclosed as adverse documents. We are conscious that disclosing branch records for all 560 Claimants will be a large disclosure exercise which would not be for the benefit of the Common Issues Trial or Horizon Trial. This would also curtail the benefits of adopting Lead Claimants and targeted disclosure of documents which relate to them.

2. Duplication

- 2.1 In relation to the disclosure of 43 copies of POL-30484, we note that the disclosure of the same document multiple times has been caused by multiple copies of the same document being associated to a single parent. For example, documents POL-0030856, POL-0030861, POL-0030872, POL-0030885, POL-0030911 are duplicates but all children of the parent document POL-0030757. This disclosure of multiple documents is therefore caused by the way in which Post Office embeds documents and our desire to not provide incomplete disclosure by part disclosing families. Further, there will be disclosure of the same document multiple times if it has been attached to different emails (eg same child but different parents). Withholding disclosure of documents which have been attached to emails will not assist the parties and is not in accordance with usual disclosure practice.
- 2.2 To reduce the volume of duplicated documents which are disclosed, upon documents being uploaded to the data room each document is assigned a MD5 hash code and a process of de-duplication is run. Since the start of Post Office's disclosure exercise, this has removed approximately 9.7 million documents from the pool of documents which could be disclosed. Duplicates are also removed as far as possible during the manual review process. Techniques such as textual similarity analysis have also been adopted so as duplicate documents are reviewed together and removed as necessary.
- 2.3 Whilst steps have been taken to try and ensure that duplicate documents are not disclosed unless it is necessary to do so, and Post Office will continue to adopt these procedures in future disclosure exercises, there are also tools available to you which will reduce the costs of reviewing Post Office's disclosure. For example, as explained above each document is allocated a MD5 hash code which allows duplicate documents to be identified and grouped together. If you do not wish to review multiple versions of the same document then it would be possible for you to exclude such documents from your review using this coding. Similarly, analytical techniques

such as textual analysis enable documents which are a certain percentage of textual similarity to be grouped and reviewed together or excluded from your review. We would expect these techniques to be used to reduce the costs of reviewing Post Office's disclosure.

3. Relevance

- 3.1 The disclosure which has been given to date has been based upon the Generic Pleadings and it was therefore difficult to determine the relevance of documents which were specific to Lead Claimants when, at that time, their pleadings had not yet been provided. In relation to documents which related to a Lead Claimant's branch but during the tenure of a previous or subsequent postmasters, these documents were included as relevant as it was unknown whether the Lead Claimants' cases would extend to matters concerning the knowledge passed on from the previous postmaster or the circumstances in which a temporary postmaster was appointed on the suspension of a Lead Claimant. Since you have identified such documents as being irrelevant they will be removed from future disclosure exercises.
- 3.2 Now that the individual pleadings have been provided the question of relevancy will be easier to determine, however it should be noted that judging relevancy of documents which relate to the Horizon Issues Trial remains near impossible since the Claimants have not yet set out the basis of their claims against Horizon. Post Office is therefore required to adopt a wide definition of relevancy to ensure that it meets its obligations to disclose potentially relevant documents.

4. Privileged documents

- 4.1 It is appreciated that you brought to our attention the inadvertent disclosure of privileged documents. Whilst we agree that you will have incurred some costs in dealing with this material, we do not believe these costs to have been material and therefore, do not understand the concerns which have been raised in your letter. Post Office does not intend to provide disclosure of such documents and has implemented further checks to ensure they are not disclosed.

5. Altered Native Documents

- 5.1 Document POL-694 is a scanned hardcopy document and therefore there is no native profile to be altered. The document has been scanned and disclosed without alteration.

6. Redaction

- 6.1 Please could you confirm the redacted documents which you take issue with so as we can review your concerns.

7. SharePoint Sites

- 7.1 To clarify, Post Office was required to provide disclosure of documents sourced from SharePoint sites subject to the parties using reasonable endeavours to narrow the scope of data to those sites which are likely to hold proportionate volumes of relevant documents. In this context, relevant document meant documents which relate to a Lead Claimant. We note your reference to our fifth letter of 2 February 2018, but do not understand the relevance of this letter to our discussions on the scope of SharePoint sites within Stage 2 disclosure, given that letter concerned Stage 1 Disclosure.
- 7.2 The proposal in our letter of 14 May 2018 was that following Stage 2 Disclosure the parties should discuss whether the additional SharePoint sites which you requested disclosure of should be extracted and reviewed for relevant documents. We also reminded you that purpose of extracting and reviewing these SharePoint sites was to locate documents which related to the Lead Claimants (since the purpose of extracting these sites was for Part 1, Stage 2 Disclosure which concerned disclosure of documents that refer to a Lead Claimant). In your letter of 10 May 2018 (being 6 working days before the disclosure deadline) you requested that 15 additional sites be included within the scope of disclosure however, no explanation was provided as to why these sites may contain documents which are relevant to the Common Issues Trial and relate to the Lead Claimants.

- 7.3 Your clients were first made aware of our proposals to reduce the SharePoint sites in February 2018 (see our first letter of 26 February 2018), however a substantive response to these proposals was not received until 6 working days before disclosure was due. This failure to engage should not be used as a reason to place time pressures on Post Office to provide further disclosure.
- 7.4 Schedule 1 to this letter contains details of the sites which you identified and our comments on the proposed extraction and review of documents from these. It would be appreciated if you could confirm whether disclosure of documents from these SharePoint sites is still sought and if so, the reasons why.

8. Second Sight Documents

- 8.1 Disclosure of these documents was provided on 28 January 2018 however, it has taken until 5 months after this date for you to raise your concerns and seek further disclosure. So as to reduce the costs of disclosure, the documents hosted by Post Office are placed into archiving. In order to provide the further disclosure which you seek it will be necessary for Post Office to reload the documents which will cause our client to incur costs which would not have been necessary had these matters been raised at an earlier time. Further, responding to your questions after such a length of time has required our client to undertake an extensive review of the steps which were undertaken in this disclosure many months ago.
- 8.2 In response to your queries:
- 8.2.1 The electronic documents which were returned by Second Sight at the end of the mediation scheme were uploaded to Relativity. There were a total of 50,749 documents which through the application of deduplication was reduced to 31,309 documents. These documents were subject to a manual review.
- 8.2.2 In addition to the electronic documents, Second Sight also returned 2,494 hardcopy documents to Post Office. These documents were scanned into Relativity and also manually reviewed. The total number of documents subject to a manual review was 33,803 documents.
- 8.2.3 The manual review identified:
- (a) 28,263 documents to be disclosed;
 - (b) 1,877 documents which were privileged;
 - (c) 162 documents were not readable; and
 - (d) 9 documents which had already been disclosed in the Lead Claimant Individual Disclosure and which were not disclosed a second time.
- 8.2.4 In relation to the not readable documents and XML files, 68 of the documents which were marked as not readable are still hosted in Relativity. As addressed above, re-hosting these documents will cause Post Office to incur additional costs. Nevertheless, Post Office shall arrange for these documents to be hosted and the 162 not readable documents manually reviewed for disclosure. We anticipate being in a position to provide any further disclosure by the end of July 2018 (after Stage 3 Disclosure has been completed). Please note, we will not be able to provide disclosure of encrypted documents since these cannot be reviewed for privilege.
- [Advanced Discovery have confirmed that the cost of re-hosting the 162 documents will be £350 and WBD will require approx. 4 hours to review these documents]

9. Known Error Log

- 9.1 We note your comments on disclosure of the Known Error Log. On 1 May 2018 we confirmed that disclosure would be provided in HTML format. This option was selected as it was possible to extract the documents within a short time frame and enable the Claimants' expert to have access to the Known Error Log as soon as possible. Disclosure of the Known Error Log was provided on 10 May 2018, when no objections to our proposed approach had been provided. If disclosure of the entire Known Error Log in a different format is requested, please can your request be accompanied with detailed reasoning as to why it would be necessary for this disclosure exercise to be redone.

10. Transaction Data

- 10.1 The ARQ data which you have requested disclosure of is the same as the filtered data which was disclosed on 19 January 2018. Therefore, you have already been provided with this data.

11. Horizon Technical Documents

- 11.1 We refer to our letter of 1 May 2018 in which we confirmed that document NB/LLD/111 was withdrawn without any content being added to it. The document is a blank template which has not been disclosed due to it containing no information.

12. Spreadsheets

- 12.1 As mentioned above in paragraph [8.1], so as to reduce the data hosting costs Post Office has already archived the documents which have not been disclosed including these spreadsheets. Your clients have had over 3 months to confirm that they did not agree with the approach adopted in relation to spreadsheets but failed to do so. Please could you explain why it would be proportionate for our client to review and disclosure over 300,000 spreadsheets.

13. Horizon Technical Documents and Fujitsu Contract

- 13.1 Due to the volume of documents and short timetable in which disclosure is being provided, the 112,272 technical documents have not been manually reviewed.
- 13.2 In relation to the privilege keyword search terms, the 10,758 documents which have been identified as being at risk of containing privileged material are documents that are of a highly technical nature and often over 20 pages long. A review of these documents would therefore require 215,000 pages to be manually reviewed which we would estimate to require at least 1,200 hours of work by a qualified solicitor. Rather than undertaking a manual review process of these documents, we would welcome your suggestions on how the keywords can be amended. Alternatively, if there are a small number of documents which have not been disclosed but the Claimants' expert wishes to review, please let us know and we can review documents on an individual basis.
- 13.3 In relation to the encrypted documents, since we have not been able to review these for privilege disclosure has not been provided. If there are a small number of documents which have not been disclosed but the Claimants' expert wishes to review further enquires can be made with Fujitsu.

14. Email Accounts

- 14.1 As explained in Section 3 of Post Office's EDQ, until c.2012 Post Office employees used Lotus Notes. On the separation from Royal Mail, Microsoft Exchange was introduced and Post Office's employees' emails which were stored in Lotus Notes were transferred into Microsoft Exchange. When Microsoft Exchange was introduced Post Office also introduced email archiving - initially by Proofpoint and from February / March 2016 onwards by Mimecast. The emails stored in Proofpoint were transferred into Mimecast. Of the 11 custodians whose data was not held in Mimecast, 9 of these left Post Office prior to 2012 and it has been identified that their data is no

longer available. Post Office was unable to find records of either Ki Barnes or Robert Sinclair being employees and therefore, no email accounts would exist for these individuals.

- 14.2 Your letter requested disclosure of instructions given to Ki Barnes' for her to attend Mr Bates' branch. To locate such documents would require us to investigate who gave those instructions, extract that individual's email accounts and then locate the requested documents. Given that Ki Barnes attended the branch sometime around June 2001 it is unlikely that these documents exist. Further, such documents are unlikely to be admissible at the Common Issues Trial given Mr Bates' contract commenced in 1998. If you still seek disclosure of these documents, please could you confirm the reasons why.

15. Extraction of SharePoint Sites

- 15.1 Despite engaging Microsoft to resolve the extraction issues, the position remains that there has been no tangible progress to extract the Sharepoint sites. It is understood that the issue is being caused by the volume of documents in the Sharepoint site and neither Advanced Discovery nor Microsoft have been able to shed any light on the definite cause of the issue or resolution. If it would assist for Elevate to discuss the issues with extracting these sites with Advanced Discovery they are welcome to do so.

16. N, L and T Drives

- 16.1 We refer to paragraph 9.3 of your letter dated 15 June 2018, in relation to the N, L and T drives. By way of an update on progress in relation to each of the three drives:

L Drive

- 16.2 The vast majority of the data from the L drive was transferred into a Sharepoint site (Post Office Ltd - <https://poluk.sharepoint.com/sites/POA001>). We have previously tried to extract the data from that Sharepoint site as part of Stage 2, Part 1 Disclosure, however, Advanced Discovery encountered technical difficulties which precluded this (referred to in paragraph 16.1 above). We remain unable to disclose any data from that Sharepoint site as a result.
- 16.3 There is a small amount of data remaining in the L drive, however, this is largely contained in the individual folders of members of Post Office's in-house legal team. The vast majority of this data will therefore be privileged. We therefore do not propose to extract or review these documents; the amount of work involved in extracting the data would be disproportionate to the minimal number of relevant non-privileged documents likely to be contained in that drive.
- 16.4 Similarly, Post Office's legal team also uses drives known as the S and Z drives to store documents. As with the L drive, the vast majority of this data will be privileged and we therefore do not propose to extract the documents contained within it for the reasons above. For the avoidance of doubt, we do not consider that the S and Z drives are within the scope of Stage 2, Part 1 Disclosure in any event.
- 16.5 During our investigations to locate the identity of the L Drive, it has come to our attention that Post Office's Security team practice is to store documents in a combination of Sharepoint sites (which, where possible, have already been disclosed under Stage 2, Part 1 Disclosure [SITE NAMES]), rather than the L drive, and a drive relating to anti-money laundering, known as the Y drive. We have been able to locate the Y drive and work will begin shortly to extract the data and run keyword searches to locate documents which may be relevant to the Lead Claimants. A further update shall be provided on the number of documents which are responsive to the searches and whether it is reasonable and proportionate for a manual review of all responsive documents to be done.

N Drive

- 16.6 During our investigations to locate the identity of the N Drive, it has come to our attention that Post Office's NBSC team practice is to store documents in the P drive. The P drive has been located and work will begin shortly to extract the data. A further update shall be provided shortly

on the number of documents which are responsive to the keyword searches and whether it is reasonable and proportionate for a manual review of all responsive documents to be done.

T Drive

- 16.7 We have located the two parts of the T drive used by Post Office's Remuneration team and work will begin shortly to extract the data. We will provide an update on timescales for disclosure of this data in due course, including an update on whether it is reasonable and proportionate to review all documents which are responsive to a keyword.
- 16.8 In relation to the Application team, Post Office has already provided disclosure of this team's documents which were stored in the SharePoint site [site name] which is the primary storage location rather than the T drive.

17. Gaps in disclosure

- 17.1 Your position is noted.

18. Technical Issues with Disclosure

- 18.1 We confirm that we shall continue to apply the terms of the electronic disclosure protocol agreed between us. The issues which you have raised could have been easily rectified by co-operative engagement between our firms or Elevate and Advanced Discovery. For example, rather than Elevate spending half a day to change the Claimant Numbers we could have provided a new Disclosure List and Load File which would have resolved the problem. If during future disclosure exercises you have problems with either the Disclosure List or Load File, please could you contact us so as we can work with you to resolve these issues.

19. Adverse Documents

- 19.1 Please find enclosed an unredacted version of the Helen Rose Report including Appendix 1.
- 19.2 The duty to disclose adverse documents requires Post Office *"to disclose, regardless of any order for disclosure made, documents **it knows to be or to have been in its control and adverse** to its case on the claim, unless they are privileged;"* (emphasis added). If there are documents which are adverse to Post Office's case but not known to Post Office then there is no requirement for Post Office to actively seek out these documents.
- 19.3 To ensure that Post Office and our firm complies with the obligations to disclose known adverse documents, procedures have been put in place so that during the manual review process any documents which do not fall within a Model C class but are adverse are tagged as such and disclosure of these documents has been provided. In the event that further adverse documents come to light during the course of Stage 3 Disclosure, then disclosure of these shall be provided.

Yours faithfully

Womble Bond Dickinson (UK) LLP

SCHEDULE 1

Site Title	URL	Size (MB)	Brief summary of contents	Post Office's response to Cs request for disclosure
Finance	https://poluk.sharepoint.com/sites/A874	25868	Finance team site which contains documents generated by or for the finance and governance teams. These documents relate to the Post Office's business finance rather than the financing of branches.	Please could you confirm why this Sharepoint site should be included within the scope of Stage 2 Disclosure given that it is unlikely to contain documents which are relevant to the one of the 6 Lead Claimants.
Supply Chain Operations Team Drives	https://poluk.sharepoint.com/sites/A997	24468	Supply chain operations team site which contains information required for the day to day workings of the cash centres, cash in transit and stock depots.	Please could you confirm why this Sharepoint site should be included within the scope of Stage 2 Disclosure given that it is unlikely to contain documents which are relevant to the one of the 6 Lead Claimants.
ND Strategy	https://poluk.sharepoint.com/sites/NDStrategy	5399	Site contains documents relating to the Network Development Strategy.	Please could you confirm why this Sharepoint site should be included within the scope of Stage 2 Disclosure given that it is unlikely to contain documents which are relevant to the one of the 6 Lead Claimants.
NTPProjects	https://poluk.sharepoint.com/sites/A908	2238	Site contains documents relating to the Network Transformation Programme.	Please could you confirm why this Sharepoint site should be included within the scope of Stage 2 Disclosure given that it is unlikely to contain documents which are relevant to the one of the 6 Lead Claimants.
Post Office	https://poluk.sharepoint.com/portals/Post-Office	1823	Site contains videos which explain current happenings in the Post Office business.	These documents would not be responsive to the keywords which have been agreed between the parties and therefore would not produce any disclosable documents.
POL NT Database Project	https://poluk.sharepoint.com/sites/A489	1067	This site contains documents relating to the Network Transformation Programme.	Please could you confirm why this Sharepoint site should be included within the scope of Stage 2 Disclosure given that it is unlikely to contain documents which are relevant to the one of the 6

Site Title	URL	Size (MB)	Brief summary of contents	Post Office's response to Cs request for disclosure
				Lead Claimants.
LRG Lead Team	https://poluk.sharepoint.com/sites/LRGLLeadTeam	801	This site is used by the Legal, Risk and Governance team to store documents.	Please could you confirm why this Sharepoint site should be included within the scope of Stage 2 Disclosure given that it is unlikely to contain documents which are relevant to the one of the 6 Lead Claimants.
Gareth Payne Alerting Test	https://poluk.sharepoint.com/sites/A999GPTTest	695	Gareth Payne is part of Computacenter's technical team and the site contains documents relating to Post Office's internal system testing.	Please could you confirm why this Sharepoint site should be included within the scope of Stage 2 Disclosure given that it is unlikely to contain documents which are relevant to the one of the 6 Lead Claimants.
MS Payout Implimentation	https://poluk.sharepoint.com/sites/A1139	367	This is an obsolete site last used in 2016 which contains documents relating to the third party payment processes.	Please could you confirm why this Sharepoint site should be included within the scope of Stage 2 Disclosure given that it is unlikely to contain documents which are relevant to the one of the 6 Lead Claimants.
Financial Services Portfolio	https://poluk.sharepoint.com/sites/Financial Services Portfolio	21	Contains documents explaining how to start, manage or change projects which relate to financial services.	Please could you confirm why this Sharepoint site should be included within the scope of Stage 2 Disclosure given that it is unlikely to contain documents which are relevant to the one of the 6 Lead Claimants.
IT Finance	https://poluk.sharepoint.com/sites/ITFinance	13	Site contains IT Finance Budgets, SAP codes, SAP user guides and details on IT projects.	Please could you confirm why this Sharepoint site should be included within the scope of Stage 2 Disclosure given that it is unlikely to contain documents which are relevant to the one of the 6 Lead Claimants.

Site Title	URL	Size (MB)	Brief summary of contents	Post Office's response to Cs request for disclosure
POLSAP / HRSAP ServiceRisk	https://poluk.sharepoint.com/sites/POL SAP HRSAP ServiceRisk	4	N/A	As explained in our letter of 26 February 2018, the cost of extracting sites which contain less than 10MB of data is not proportionate to the volume of documents contained within them. Please can you explain the reasons why disclosure of this site should be provided.
F&P database	https://poluk.sharepoint.com/sites/F&P database	2	N/A	As explained in our letter of 26 February 2018, the cost of extracting sites which contain less than 10MB of data is not proportionate to the volume of documents contained within them. Please can you explain the reasons why disclosure of this site should be provided.
TEST	https://poluk.sharepoint.com/sites/TEST 19	1	N/A	As explained in our letter of 26 February 2018, the cost of extracting sites which contain less than 10MB of data is not proportionate to the volume of documents contained within them. Please can you explain the reasons why disclosure of this site should be provided.
ATeam	https://poluk.sharepoint.com/sites/ATeam	1	N/A	As explained in our letter of 26 February 2018, the cost of extracting sites which contain less than 10MB of data is not proportionate to the volume of documents contained within them. Please can you explain the reasons why disclosure of this site should be provided.