



fieldfisher

Marianne Tutin  
Devereux Chambers  
Devereux Court  
London WC2R 3JH

By email only:

Copy to:

24 September 2024

Dear Marianne Tutin

**Post Office Horizon IT Inquiry (“the Inquiry”): Release from confidentiality obligations**

Borges Salmon and Fieldfisher (BSFf) represent Post Office Ltd (Post Office) in relation to the Inquiry. The purpose of this letter is to address your release from confidentiality obligations.

You have informed Post Office that, under Rule 9 of the Inquiry Rules 2006, you have received a written Rule 9 request for evidence. To the extent that the Rule 9 Request relates to your work for Post Office in respect of matters relevant to the Inquiry’s Terms of Reference, that work will be subject to one or more commercial agreements between yourself and Post Office which will contain confidentiality provisions binding upon you.

Post Office is keen to assist the Inquiry on this and any other matters identified by the Inquiry. Accordingly, Post Office hereby agrees, in line with its stated position to the Inquiry about non-disclosure agreements set out in its letter dated 20 August 2021 upon which this letter is based (copy attached), that it will not seek to enforce against you any obligations of confidentiality owed to Post Office pursuant to engagement terms between you and Post Office, to the extent that such obligations concern matters which are within the Inquiry’s Terms of Reference. The exception to this general waiver is in respect of matters which are covered by legal professional privilege or any other type of privilege available to Post Office (e.g. ‘without prejudice’ privilege), subject to any waiver of privilege by Post Office<sup>1</sup>. In addition, this waiver is solely for the purpose of enabling you to give evidence (written or verbal) to the Inquiry.

You will appreciate that there are certain categories of information which are particularly sensitive to Post Office’s interests. Post Office has agreed with the Inquiry that in, the event that any of the following types of information are disclosed to the Inquiry, the Inquiry will not disclose that information more widely without first obtaining Post Office’s express written consent. Your attention is therefore drawn to the mechanics of this agreement set out below:

1. Commercially sensitive or strategically important information, such as current or future strategic plans or information regarding Post Office’s relationships with strategic partners (such relationships may also be subject to contractual confidentiality obligations which Post Office is unable to waive unilaterally), funding arrangements or financial information.
2. Matters covered by Post Office’s legal professional privilege or other available privilege, including if such matters are inadvertently disclosed to the Inquiry, subject to any waiver of privilege.

Where the Inquiry is unsure as to whether such information provided to it falls into one or more of the above categories, the Inquiry has agreed to seek clarification on this from Post Office. This approach is

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<sup>1</sup> We have provided you with copies of Post Office’s November 2021 and August 2024 privilege waivers.  
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intended to assist the Inquiry by striking an acceptable balance between the facilitation of information to the Inquiry, whilst maintaining appropriate controls over particular categories of information which are important to Post Office's commercial activities and which preserve its legal rights.

Please acknowledge receipt of this letter.

Yours faithfully

*Burges Salmon LLP and Fieldfisher LLP*

**BURGES SALMON LLP & FIELDFISHERLLP**