

Message

---

**From:** Emily B Springford [GRO]  
**Sent:** 20/12/2011 14:20:43  
**To:** Helen Watson [/O=BOND PEARCE/OU=First Administrative Group/cn=Recipients/cn=hfw1]  
**Subject:** FW: JFSA claims - disclosure and evidence gathering  
**Attachments:** Horizon - Sources of documents (5).doc

For info.

Kind regards

Emily

---

**From:** Emily B Springford  
**Sent:** 20 December 2011 14:19  
**To:** John Breeden  
**Cc:** Sabrina Jethwa  
**Subject:** RE: JFSA claims - disclosure and evidence gathering

John,

Many thanks for the updated chart (Sabrina, attached here for ease of reference).

On your specific questions:

- yes, insofar as they relate to the 4 specified branches, or the Prosser (Blackwood) case if any can be found (Sabrina will let you know if further claims are brought).
- no, in relation to files relating to individual branches. However, if there are boxes at IM containing general policy documents, we would like to recall those now if that is feasible, as mentioned below.

Thanks again for your help with this and many other matters! Have a great Christmas.

Kind regards

Emily

---

**From:** John Breeden  
**Sent:** 19 December 2011 15:15  
**To:** Emily B Springford  
**Subject:** RE: JFSA claims - disclosure and evidence gathering

**Privileged and confidential**

Emily,

Thanks for your email below.

I have updated the spreadsheet to hopefully make the information more specific as requested – additions made in blue.

Just a couple of points from your email dated 20 October which are:-

Document preservation:-

- do we want to include on the list of relevant documents performance and conduct case papers?
- do we want to suspend the Iron Mountain destruction policy of destroying files after 7 years (I think we have discussed this and said no to this question in the past).

Regards

John

**John Breeden**

**Agents Contracts Deployment Manager North**

**Post Office Ltd – Network Services**

2nd Floor, The Markets Crown Office, 6/16 New York Street, Leeds LS2 7DZ

Tel: [GRO] Mobex: [GRO]

Email: john.breeden@[GRO]

Confidential Information: This e-mail message is for the sole use of the intended recipient (s) and may contain confidential and privileged information. Any unauthorised review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact me by reply e-mail and destroy all copies of the original message.

---

**From:** Emily B Springford

**Sent:** 15 December 2011 10:42

**To:** Alison Bolsover; John Breeden; Sue Richardson; Graham Padget; Sarah Rimmer; Dave Hulbert

**Cc:** Sabrina Jethwa

**Subject:** FW: JFSA claims - disclosure and evidence gathering

**Privileged and confidential**

Dear all,

Please see the email below: this message should have reached you via your team leaders but in the interests of certainty I have included it here.

I understand that you kindly helped Alison to complete the attached table, showing the sources of documents which may be relevant. Many of these appear to relate to individual branches. Our solicitors have asked where we keep documents relating to general policy surrounding the issues below (branch accounting, recruitment, training, Horizon issues and so on) as opposed to information on specific branches.

Could you each please update the table to make clear where such documents are held? If they are sent to Iron Mountain after a period of time, please could you indicate at what stage they are sent there and how they would be described, so that we can consider how readily they could be identified and retrieved.

Please do give me a call if anything isn't clear. Many thanks for your help.

Kind regards

Emily Springford

Principal Lawyer - Dispute Resolution

Postline: [GRO]

Mobex: [GRO]

First Floor, 35-50 Rathbone Place

London W1T 1HQ

---

**From:** Emily B Springford

**Sent:** 20 October 2011 15:51

**To:** Angela Van-Den-Bogerd; Lesley J Sewell; Mike Granville; Dave Pardoe; Rebekah Mantle; Hugh Flemington; David Simpson; Mike Young; Kevin Gilliland; Susan Crichton; Chris M Day; Sue Huggins; John M Scott

**Subject:** JFSA claims - disclosure and evidence gathering

**Privileged and confidential**

Dear all,

As you are aware, POL has received 4 letters of claim from former subpostmasters, making a number of allegations about the training they received, the support available to them in using the Horizon system, and the Horizon system itself. There is a possibility that these letters of claim will be followed up with Court proceedings, in which case POL will have a duty to disclose to the claimants all documents relevant to the claims, even if they might adversely affect POL's defence. This obligation extends to soft copy documents (emails, and all documents stored on the IT network, hard drives, handheld devices and so on) as well as hard copy documents and manuscript notes.

Please ensure that this communication reaches everyone in your department who has access to, or who is in a position to create, documents relating to the issues arising in the claims (as set out more fully below). I have started a list of teams which we believe may hold relevant documents. The list is attached: I should be grateful if you would let me know of any other teams which might hold documents relevant to the claims.

### **Document preservation**

POL must take immediate steps to preserve all documents which might potentially be relevant to these claims. "Relevant" documents are those which contain information about the issues below:

- \* the subpostmasters or branches in question (i.e. Scott Darlington of Alderley Edge branch, Julian Wilson of Astwood Bank branch, Terrence Walters of Hockley branch or Thakshila Somaskandarajah of Splott Road branch). This list will increase if further letters of claim are received, and we will of course let you know if and when further claims are received
- \* the recruitment of subpostmasters
- \* the training given to subpostmasters
- \* the support given to subpostmasters in using the Horizon system, including, but not limited to, the Helplines
- \* the integrity of the Horizon system
- \* POL's branch accounting procedures

Please note that no historic time limit applies, so that all documentation within these categories should be preserved, regardless of when it was created.

Could each of you please inform the members of your teams who hold or create documents in these categories that they should not delete or destroy any documents in these categories until further notice.

It is important that you keep a note of any routine document destruction policies that you suspend within your department, and the dates on which they are suspended, together with a note of any other steps you take to ensure that your department complies with the above requirements.

### **Document creation**

It is very important that we control the creation of documents which relate to any of the above issues and which might be potentially damaging to POL's defence to the claims, as these may have to be disclosed if these claims proceed to litigation. Your staff should therefore think very carefully before committing to writing anything relating to the above issues which is critical of our own processes or systems, including emails, reports or briefing notes. We appreciate that this will not always be practicable, however.

Where it is necessary to create a document containing critical comment on these issues, it will in certain circumstances be possible to claim privilege over the document, so that POL will not have to disclose it in any proceedings. As litigation is now a distinct possibility, the document will be privileged if its dominant purpose is to give/receive legal advice about the litigation or to gather evidence for use in the litigation. This also applies to communications with third parties - i.e. with other organisations - provided they are confidential and their dominant purpose is as set out above. All of the following steps should be taken in order to maximise the chances of privilege attaching to the document:

- \* If the dominant purpose of the communication is not to obtain legal advice, try to structure the document in such a way that its dominant purpose can be said to be evidence gathering for use in the litigation;
- \* Mark every such communication "legally privileged and confidential";
- \* If you are sending the document to someone, state in the covering email/memo/letter that you are not waiving privilege by doing so;
- \* Request that the recipient of a communication confirm that the document will be kept confidential and that he/she will not forward it to anyone else;
- \* Think very carefully before "replying to all" on an email - do all the recipients need to see the communication?
- \* Where possible and appropriate, copy a member of Legal Services into the communication, and make clear that

you are doing so to enable them to advise on the content. Please note that copying a member of Legal Services into the communication alone will not necessarily suffice.

If in doubt, call Legal Services before committing anything to writing which relates to these issues and contains critical wording.

Please telephone me if you would like to discuss any of this.

Kind regards

Emily Springford  
Principal Lawyer - Dispute Resolution  
Postline   
Mobex

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

---

\*\*\*\*\* 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.  
\*\*\*\*\*