

Friday, 19 January 2024

1  
 2 (10.00 am)  
 3 MR BEER: Good morning, sir, can you see and hear us?  
 4 SIR WYN WILLIAMS: Yes, thank you very much.  
 5 MR BEER: May I call Paul Patterson, please.  
 6 SIR WYN WILLIAMS: Yes.  
 7 WILLIAM PAUL PATTERSON (sworn)  
 8 Questioned by MR BEER  
 9 MR BEER: Good morning, Mr Patterson. You know my name is  
 10 Jason Beer and I ask questions on behalf of the Inquiry.  
 11 Can you give us your full name, please?  
 12 A. Full name: William Paul Patterson.  
 13 Q. Thank you for coming to give evidence to the Inquiry  
 14 today. You have been scheduled to give evidence today  
 15 for many months now and today, I wish to be clear, is  
 16 not a rerun of the evidence that you gave to the  
 17 Business and Trade Committee on Tuesday of this week,  
 18 not least because many of the issues addressed in your  
 19 evidence to that committee will be addressed to you when  
 20 you return to give evidence in Phases 5 and 6 of the  
 21 Inquiry; do you understand?  
 22 A. Yes.  
 23 Q. In that connection, those watching the proceedings  
 24 should understand that simply because an issue is not  
 25 addressed by Mr Patterson today does not mean that it

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1 page 63, which is the last page of the statement itself,  
 2 is that your signature?  
 3 A. Yes, it is.  
 4 Q. Are the contents of that witness statement true to the  
 5 best of your knowledge and belief?  
 6 A. Yes, they are.  
 7 Q. Can we move to your third witness statement, please,  
 8 which in your bundle is in tab A1. The URN for that is  
 9 WITN06650300. That witness statement is dated  
 10 14 September 2023, it's 103 pages long, including its  
 11 appendices and, if you turn to page 80, you should find  
 12 your signature --  
 13 A. Yes, it is.  
 14 Q. -- is that your signature? Are the contents of that  
 15 statement true to the best of your knowledge and belief?  
 16 A. Yes, they are.  
 17 Q. Thank you very much. Before I ask you questions of  
 18 substance, this is the first occasion on which you've  
 19 given oral evidence to the Inquiry and the first  
 20 occasion on which a senior Fujitsu executive has given  
 21 evidence to the Inquiry. I know in your first witness  
 22 statement, which we published back on 2 December 2022,  
 23 you gave an apology to subpostmasters and that you said  
 24 something to equivalent effect on Tuesday of this week  
 25 to Parliament.

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1 will not be addressed with him in due course. The  
 2 Inquiry undertakes its work in a forensic manner, only  
 3 asking questions of witnesses when it's satisfied that  
 4 all reasonably relevant material has been obtained so  
 5 that questions can be put on a proper evidential  
 6 foundation.  
 7 So you're here today to give evidence primarily  
 8 about the issues that you address in your third witness  
 9 statement, which concerns ARQ data, you understand that?  
 10 A. Yes, I do.  
 11 Q. In particular, the reliability of that data, the use of  
 12 it by Fujitsu and the Post Office, the provision of it  
 13 to the Post Office in connection with criminal  
 14 proceedings against subpostmasters; do you understand?  
 15 A. Yes.  
 16 Q. I am also going to ask you questions about matters in  
 17 your second witness statement.  
 18 So can we start, please, by formally adducing the  
 19 evidence in your second and third witness statements,  
 20 not least so they can be made available to the public  
 21 via the Inquiry's website. Can we start with your  
 22 second witness statement, please. You'll find that in  
 23 tab A2 of your hard copy bundle. The URN for it is  
 24 FUJ00126035. It is dated 29 December 2022 and is  
 25 193 pages long, including its appendices. If you go to

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1 Since then, Fujitsu, as a corporation, issued  
 2 a public statement. Is there something you would like  
 3 to say in that regard now?  
 4 A. Yes, Mr Beer. Thank you.  
 5 To the subpostmasters and their families, we  
 6 apologise; Fujitsu apologises and is sorry for our part  
 7 in this appalling miscarriage of justice. This Inquiry  
 8 is examining those events forensically over many, many  
 9 decades, which involved many parties, not least Fujitsu  
 10 and the Post Office, but other organisations and  
 11 individuals. We are determined to continue to support  
 12 this Inquiry and get to the truth, wherever it lays,  
 13 and, at the conclusion of the Inquiry and the guidance  
 14 from this Inquiry, engage with Government on suitable  
 15 contribution and redress to the subpostmasters and their  
 16 families.  
 17 Thank you, Mr Beer.  
 18 Q. Thank you, can I start with your background, then,  
 19 please. You are a Director of Fujitsu Services Limited,  
 20 is that right --  
 21 A. Yes, it is.  
 22 Q. -- which I'm going to call Fujitsu. I think your full  
 23 title, at least according to the Internet and the  
 24 Fujitsu webpage, is Corporate Executive Officer EVP; is  
 25 that Executive Vice President?

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1 A. Yes, it is.  
 2 Q. And the Co-CEO, is that Chief Executive Officer or  
 3 Corporate Executive Officer?  
 4 A. It's actually the first one, forgive me.  
 5 Q. So Chief Executive Officer --  
 6 A. Indeed, it is.  
 7 Q. -- for the Europe region?  
 8 A. Indeed it is.  
 9 Q. So a Director, an Executive Vice President and Corporate  
 10 Executive Officer for the Europe Region?  
 11 A. Yes.  
 12 Q. Thank you. When did you join Fujitsu?  
 13 A. In early 2010.  
 14 Q. What was your first role and job title?  
 15 A. I was hired into a sales role, a sales leadership role  
 16 and I was the Sales Leader for the Private Sector.  
 17 Q. What did that job involve?  
 18 A. Very much focused on new business selling to Fujitsu's  
 19 customers in the private sector, as was then.  
 20 Q. What was your title again?  
 21 A. So Head of Sales for the Private Sector. We can --  
 22 clearly we'll confirm the individual titles correctly.  
 23 Q. Did that role have any connection to or responsibility  
 24 for the Horizon IT System?  
 25 A. So subsequently my role changed and my responsibility

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1 present position in 2019?  
 2 A. No, I -- that role changed, so I became a European Head  
 3 of Sales and Business Development, and I did not have  
 4 a direct team involved in the Post Office then.  
 5 Q. So how long did your involvement with the Post Office  
 6 last?  
 7 A. I would -- four years/five years.  
 8 Q. In that four to five-year period -- let's call it  
 9 between 2012 and 2016/2017 -- how regularly were you  
 10 dealing with issues concerning the Horizon IT System?  
 11 A. So I wasn't dealing with issues --  
 12 Q. Dealing with the Post Office Account, insofar as it  
 13 concerned the Horizon IT System?  
 14 A. So my engagement and my sales team's engagement was what  
 15 was very much focused on the new business into the Post  
 16 Office. It wasn't dealing with the service delivery,  
 17 albeit clearly at times in those conversations the Post  
 18 Office may have asked me questions about service  
 19 delivery and that will have been passed on to the  
 20 relevant Service Delivery Team.  
 21 Q. That was my next question: to what extent were you cited  
 22 on issues or problems with service delivery in that four  
 23 to five-year period, so far as Horizon was concerned?  
 24 A. So I think, in several different meetings with Post  
 25 Office executives when we were discussing the changes to

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1 changed. I was in a sales or sales leadership role for  
 2 the UK private sector, then including the public sector,  
 3 and then that evolved into being a European Head of  
 4 Sales Role, as well. Throughout that -- so in the early  
 5 part -- in the middle part of that, my responsibility  
 6 also included the selling of the contract -- new  
 7 contracts to the Post Office.  
 8 Q. When was that?  
 9 A. So approximately 2012, I think '13, is when the Post  
 10 Office new business selling responsibility came to --  
 11 came into my responsibility.  
 12 Q. So before that, 2012, did your job bring you into  
 13 connection with the Horizon IT system in any way?  
 14 A. I don't believe so.  
 15 Q. After 2012, what was the extent of your connection to  
 16 the Horizon IT System?  
 17 A. So my connection was to the Post Office. We had  
 18 a number of contracts with the Post Office, one of them  
 19 being Horizon, one of them being the telecoms contract,  
 20 so their home phone and broadband contract, and it was  
 21 my team who were responsible for the sale of the  
 22 services associated with the new telecoms contract, and  
 23 clearly any renewal or extension to the Horizon system  
 24 subsequently.  
 25 Q. Did you remain in that role until you took up your

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1 the contract, so I think in about 2012/13, they were  
 2 looking to change the contract structure into a tower  
 3 structure. In some of those meetings we would have  
 4 definitely made some reference to problems, given I was  
 5 in the room, and that would have been handed back into  
 6 the Service Delivery Team.  
 7 Q. To your recollection, did any of those engagements  
 8 concern data reliability, data integrity or similar  
 9 issues?  
 10 A. Well, so in the pack that I've got for -- in this  
 11 supplementary pack, I think, in today's hearing, there  
 12 is a reference to questions asked of me and a colleague  
 13 by the CIO, which we passed on to, which was talking  
 14 about that very point.  
 15 Q. I'm not going to go into that in detail today. I just  
 16 want to get an overview today for the purposes of the  
 17 questions I'm going to ask you subsequently of the  
 18 extent to which you knew of issues concerning Horizon  
 19 before you became CEO in 2019 or whether you were coming  
 20 to these issues completely afresh in 2019. What would  
 21 be the answer to that?  
 22 A. I -- in 2019 in my appointment, I was, of course, aware  
 23 that there were issues regarding prosecutions. Clearly  
 24 there was the public case, as well, so I was aware on  
 25 a personal level there were issues with the

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1 prosecutions. So I was aware of those topics.  
 2 **Q.** Before you became a CEO in 2019?  
 3 **A.** Yes.  
 4 **Q.** Okay. I think the email you're referring to -- I'm not  
 5 going to go into it in detail today -- shows that you  
 6 had some involvement in and were briefed about the  
 7 Second Sight investigations --  
 8 **A.** Yes.  
 9 **Q.** -- and the impact of those on Fujitsu?  
 10 **A.** Yes.  
 11 **Q.** Thank you. So, overall, we shouldn't get the  
 12 impression, when we listen to your evidence in a moment,  
 13 that you came to all of the issues concerning data  
 14 integrity, the provision of information and evidence by  
 15 Fujitsu to the Post Office and Post Office prosecutions  
 16 afresh when you became CEO in 2019?  
 17 **A.** I joined -- as we already discussed, I joined in 2010  
 18 and, certainly through my career inside the company  
 19 latterly, I've become more and more aware of the issues  
 20 and, clearly, during in this Inquiry, becoming more and  
 21 more aware, at a very detailed level.  
 22 **Q.** Can I turn to your second witness statement, then,  
 23 please. FUJ00126035, and it'll come up on the screen  
 24 for you. This is your second witness statement. You'll  
 25 see at the top it's dated, as we've established already,

1 **Q.** Then if we look at paragraph 4, please. You say:  
 2 "... responses to questions set out in the statement  
 3 are generally drawn from documentary sources. These  
 4 documents have been exhibited and/or referenced ... The  
 5 responses provided in this second ... statement  
 6 represent Fujitsu's current understanding of the  
 7 information available. Given that preparations for  
 8 Phase 3 [were then] still ongoing, it may be that  
 9 Fujitsu will need to supplement this corporate statement  
 10 as further material is identified and made available to  
 11 Core Participants."  
 12 I'm going to skip over paragraphs 5 to 189 of this  
 13 witness statement. That's some 60 pages of the witness  
 14 statement, which concerns Phase 3 issues in the Inquiry  
 15 and about which we heard many weeks of evidence back at  
 16 the end of 2022 and the beginning of 2023, so primary  
 17 evidence from the witnesses concerned.  
 18 Can we pick up, please, what you say on page 61 of  
 19 the witness statement, at the foot of the page, please,  
 20 that is "Knowledge and Rectification of Bugs". This  
 21 section of the statement, indeed right to the end of the  
 22 statement, addresses Fujitsu's knowledge of and  
 23 rectification of bugs in the Horizon system; is that  
 24 right?  
 25 **A.** Correct.

1 29 December 2022, so 13 months ago, or so.  
 2 If we look at paragraph 3, paragraphs 1 and 2 are  
 3 usual introductions, but paragraph 3 at the foot of the  
 4 page, as noted in your first corporate witness statement  
 5 you do not have first-hand knowledge of many of the  
 6 matters set out in the statement. You wish to reiterate  
 7 at the outset how the information in the statement has  
 8 been compiled. You have been assisted by a team of  
 9 individuals within Fujitsu and Morrison Foerster.  
 10 They're the solicitors to Fujitsu for the purposes of  
 11 this Inquiry; is that right?  
 12 **A.** Correct.  
 13 **Q.** "This is due to the vast amount of documentation and  
 14 sources of evidence which have had to be reviewed for  
 15 a time period stretching over 25 years. This team has  
 16 provided to me the documents which were referenced in  
 17 this statement and exhibited at ..."  
 18 Then you give some reference numbers, and you  
 19 exhibit 640 documents to this witness statement:  
 20 "... and which are the principal source of my  
 21 knowledge of this statement's contents."  
 22 So the information in the statement that you're  
 23 giving is principally drawn from documents that have  
 24 been provided to you by your team, essentially?  
 25 **A.** Correct.

1 **Q.** You say:  
 2 "As explained in Fujitsu's opening statement ... no  
 3 complex IT system will ever be completely free of bugs,  
 4 errors and defects ('BEDs'). Fujitsu's monitoring  
 5 systems and provides seek to identify faults, log them  
 6 as incidents, and then work to resolve them following  
 7 the agreed incident management processes. Fujitsu also  
 8 relies on incidents being reported by postmasters  
 9 directly or by [Post Office Limited]. Many thousands of  
 10 incidents have been logged since the inception of  
 11 Horizon."  
 12 Then over the page, please, or further down the  
 13 page, paragraphs 191 and 192:  
 14 "In relation to the 29 [bugs, errors and defects]  
 15 listed by Mr Justice Fraser in Appendix 1 to the Horizon  
 16 Issues Judgment ... the Inquiry has asked Fujitsu to  
 17 provide details relating to the identification,  
 18 investigation, communication and resolution of the  
 19 [bugs, errors and defects].  
 20 "In February 2021, Fujitsu helped to prepare  
 21 a report for [Post Office Limited] in relation to the 29  
 22 [bugs, errors and defects] identified by  
 23 Mr Justice Fraser (the 'BED [or bugs, errors and  
 24 defects] Report'). This [bugs, errors and defects]  
 25 Report has been disclosed to Core Participants and is

1 exhibited [as your exhibit 260]."

2 So the sequence of events, just so we can get that  
3 clear and decode things, is Mr Justice Fraser produces  
4 his Horizon Issues judgment, that's also known as  
5 Judgment Number 6., and that was in December 2019,  
6 correct?

7 **A.** Correct.

8 **Q.** 16 December 2019, to be precise. That contained  
9 a number of findings of fact, both in the body of the  
10 judgment and in an appendix to the judgment called  
11 Appendix 1, which you reference here, as to the  
12 existence of bugs, errors and defects in the Horizon  
13 system. That's both, is this right, Legacy Horizon and  
14 Horizon Online?

15 **A.** I believe so.

16 **Q.** He analyses those 29 bugs, errors and defects in  
17 418 pages of his judgment in Appendix 1 to his judgment,  
18 amounting to some 105 pages of closely typed text.

19 Then the next event is the event you refer to in  
20 February 2021, a report by Fujitsu to the Post Office.  
21 That's 22 February 2021, so a year and three months  
22 after the judgment, Fujitsu writing a report to the Post  
23 Office. What do you understand the purpose of that  
24 report to have been?

25 **A.** I'm not quite sure I understand the question.

13

1 29 [bugs, errors and defects] and any sub-issues  
2 identified within those classifications. The [Bugs,  
3 Errors and Defects] Report and the summaries set out in  
4 Appendix 1 seek to build on the Technical Appendix  
5 [that's Mr Justice Fraser] and have been prepared by  
6 a reference to a variety of sources. These summaries  
7 are indicative of, amongst other things: the  
8 investigation of each issue, the resolution of each  
9 issue, communication with other parties, including [Post  
10 Office Limited] and wider management, and the impact on  
11 branches."

12 Then 194, please:

13 "The summaries in Appendix 1 are based on a review  
14 of contemporaneous documents primarily in the form of  
15 PinICLs, PEAKs and KELs, that have been identified as  
16 relevant to the relevant [bug, error or defect]. The  
17 summaries should be read in conjunction with these  
18 underlying records."

19 Just to summarise, in Appendix 1 to this witness  
20 statement, you've set out 29 summaries relating to the  
21 29 bugs, errors and defects found to have existed by  
22 Mr Justice Fraser, correct?

23 **A.** Correct.

24 **Q.** I'm going to look through some examples of those -- I'm  
25 not going to go through all 29 -- in a moment, so we can

15

1 **Q.** So Mr Justice Fraser produces his judgment, finds the  
2 existence of 29 bugs, errors and defects, spends  
3 105 pages analysing them, and then 13 months later  
4 Fujitsu write a report to the Post Office about those 29  
5 bugs, errors and defects, and I was asking what was your  
6 understanding of the purpose of the writing of that  
7 report?

8 **A.** So in my -- in the company's second corporate statement  
9 we lay out details on the 29.

10 **Q.** Yes, I'm going to come to that in a moment.

11 **A.** I think -- I don't know, Mr Beer. I'm afraid I don't  
12 know -- I haven't seen the physical report.

13 **Q.** It's one of the exhibits to your statement, number 260  
14 there. I'm not going to display it at the moment but  
15 I just want to understand, when the judge has found the  
16 existence of these 29 bugs, why a year and a month later  
17 Fujitsu is writing a report to the Post Office about  
18 those 29 bugs?

19 **A.** So I don't know, Mr Beer.

20 **Q.** Okay. Let's move on anyway, paragraph 193 of your  
21 witness statement. You say:

22 "In addition to the [Bugs, Errors and Defects]  
23 Report [the February 2021 report] Fujitsu has set out in  
24 Appendix 1 [that's Appendix 1 to this very witness  
25 statement] a series of summaries addressing each of the

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1 see what they look like and the kind of things they tell  
2 us. But all of this information, would you agree, was  
3 available to Fujitsu, indeed to you, because it's in  
4 your witness statement, written in December 2022, but  
5 also earlier than that in the Bugs, Errors and Defects  
6 Report of February 2021?

7 **A.** Yes, because the information is there. That's how we  
8 produced the report -- we produced the documents in the  
9 second statement, correct.

10 **Q.** So in terms of something you said at the beginning of  
11 your evidence today about the Inquiry examining complex  
12 issues and Fujitsu wanting to wait until, essentially,  
13 the Inquiry has reported, in relation to this issue --  
14 and I'm not saying that for a moment that the Fujitsu  
15 summaries of the bugs, errors and defects are complete  
16 or should be taken to be the final word on each bug,  
17 error or defect -- but, from Fujitsu's perspective, is  
18 this right, as a company, for the last couple of years,  
19 it has known of the existence of these bugs, errors and  
20 defects at a corporate level?

21 **A.** Yes, in fact, all the bugs and errors have been known,  
22 at one level or not, for many, many years. Right from  
23 the very start of deployment of this system, there were  
24 bugs, errors and defects which were well known, to all  
25 parties, actually.

16

- 1 **Q.** You agree, I think, therefore, if we take the Fujitsu  
2 summaries, read together with the Bugs, Errors and  
3 Defects Report as a baseline, it follows that, at  
4 a senior level in the company, for the last couple of  
5 years, there has been corporate knowledge of the  
6 existence of these bugs?
- 7 **A.** I have known about these bugs because I've seen the  
8 report, yes, would be my answer.
- 9 **Q.** So there's no need to wait for the conclusion of this  
10 Inquiry to find out at least this information because  
11 it's already known to Fujitsu?
- 12 **A.** Yes, correct, and it's in the statement. Correct.
- 13 **Q.** Can we go to the examples then, please. I'm going to  
14 look at four or five of the 29 bugs.
- 15 Can we start by looking at page 102 of the witness  
16 statement, please. Can we look at page 102 and 103 at  
17 the same time, please. That looks like that's not going  
18 to be possible. I just wanted to get -- ah, thank you.
- 19 This is what the appendices look like in to your  
20 witness statement. It lists the relevant bug, error or  
21 defect, this one is BED 2, the Callendar Square bug,  
22 then there are a series of bullet points, sometimes less  
23 than this, sometimes more than this, setting out in very  
24 summary form Fujitsu's position on it; is that right?
- 25 **A.** Yes.

17

- 1 payments mismatches?
- 2 **A.** Yes.
- 3 **Q.** Then the fourth bullet point:
- 4 "There appear to have been instances of these  
5 Riposte lock errors from at least September 2000 [so we  
6 get the start date]. In this instance, a postmaster  
7 reported an error ... when trying to redeclare their  
8 cash. The call was discussed between various teams from  
9 [Post Office] and Fujitsu."
- 10 Then you give some further examples of PEAKs.  
11 Then a Known Error Log, fifth bullet point, and you  
12 give the reference:
- 13 "... advised that restarting Riposte, or rebooting  
14 the counter, would resolve incidents where a message  
15 reported a timeout waiting for a lock. Some of these  
16 also led to receipts and payments mismatches, which  
17 after investigation, were dealt with by the Fujitsu MSU  
18 team raising a BIMS report so [the Post Office] could  
19 issue an error notice (later known as a transaction  
20 correction) to the postmaster to allow them to reconcile  
21 the accounts. BIMS reports set out the progress to the  
22 resolution of a 'business incident'. [The Post Office]  
23 would use the information from the BIMS report to carry  
24 out reconciliation or settlement ...
- 25 "It was identified that an error in the underlying

19

- 1 **Q.** The bullet point that always is first, says "Documents  
2 relating to Fujitsu's knowledge, rectification and  
3 communication of the issue, including PinICLs PEAKs and  
4 KELs are set out in Appendix 2", and then the relevant  
5 exhibit numbers are given. So it's taking us, in the  
6 first bullet point off to the relevant exhibits and here  
7 there are about 25: 317 to 342?
- 8 **A.** Correct.
- 9 **Q.** I'm not, on each occasion, going to go back and look at  
10 the underlying material. If we can just read through,  
11 then the Callendar Square bug. You say:
- 12 "A problem existed in Horizon whereby, on occasion,  
13 a lock was not released, and a second process would then  
14 wait for a given time before it 'timed out' and reported  
15 an error saying it could not proceed. The problem could  
16 occur in various places in the Horizon applications. In  
17 the initial occurrences a reboot of the counter allowed  
18 the system to resume proper function with no data lost."
- 19 Then the third bullet point:
- 20 "In some cases, in the Callendar Square branch in  
21 particular, the lock problem caused data to be lost when  
22 carrying out transfers between different 'stock units'  
23 thereby causing receipts and payments mismatches."
- 24 So this is a bug, would you agree, that has a real  
25 impact on balancing because it causes receipts and

18

- 1 Escher Riposte software caused the lock problem. The  
2 issue was raised with Escher, who developed a fix. This  
3 was implemented in the S90 software release. S9 release  
4 was scheduled to start on 4 March 2006 for completion by  
5 14 April 2006 ... [By 22 March], the S90 migration  
6 report showed the counter release was 99.9% complete ...
- 7 "Fujitsu monitored the issue ... 27 March ...  
8 an employee noted ... that the timeout locks had 'gone  
9 right down' ..."
- 10 So that, on the Fujitsu account of matters, was  
11 a problem that was first noticed in September 2000 and  
12 a fix was applied in March and April 2006, so five and  
13 a half years later. Yes?
- 14 **A.** Yes, that's what it -- yes.
- 15 **Q.** Now, in fact -- this is an example where this shouldn't  
16 be taken to be the last word on this -- Mr Justice  
17 Fraser found that the bug continued in operation until  
18 2010. But, on the Fujitsu account, this was a bug that  
19 was operative for close on a six-year period; is that  
20 right?
- 21 **A.** That's what that says, yes.
- 22 **Q.** Let's look at another example of a bug, please. Bug 3,  
23 the suspense account bug. That's page 104 of your  
24 witness statement. So just page 104, please. Thank  
25 you. So bug, error or defect number 3, the suspense

20

1 account bug. The usual opening paragraph. Bullet  
 2 point 2:  
 3 "A change introduced into Horizon in July 2011 had  
 4 the unintended consequence of leaving certain 'orphaned'  
 5 records from November/December 2010 relating to  
 6 a branch's suspense account in a table in the branch  
 7 database, rather than archiving them. The consequence  
 8 was that, once a year, when an impacted branch produced  
 9 its trading statement, if they had any amount in their  
 10 suspense account, the suspense account records from 2010  
 11 were also pulled in so that the branch trading statement  
 12 showed an erroneous amount in the suspense account.  
 13 "When the problem resurfaced a year later,  
 14 a postmaster contacted Fujitsu and a PEAK ... was raised  
 15 on 25 February 2013 ... Fujitsu then diagnosed the issue  
 16 and identified 14 branches as being affected.  
 17 "... Fujitsu held a conference ... with [the Post  
 18 Office's] Problem Manager ... The orphaned records were  
 19 subsequently removed by the Fujitsu development team.  
 20 An extra set of checks were introduced in October 2013  
 21 so that if a similar problem surfaced in the future,  
 22 an error message would be displayed to the postmaster  
 23 telling them to contact the Horizon Service Desk."  
 24 So here we can see we're dealing with Horizon  
 25 Online, yes --

21

1 routed back to Fujitsu so that Development could produce  
 2 a code fix."  
 3 Just stopping there, the bug was a doubling up  
 4 problem, something that we've heard a lot about from  
 5 subpostmasters themselves. We know from other  
 6 documents, I'm not asking you to comment on this, that  
 7 the postmaster that raised the issue that's referred to  
 8 in that third bullet point had raised the issue  
 9 concerning £13,910. He had remmed in that sum as cash  
 10 into his Horizon terminal but then, for a reason that's  
 11 not clear, needed to reverse that particular transaction  
 12 out -- might have got the wrong figure, person at the  
 13 till said, "No, I don't want you to put in that £13,910  
 14 cash" -- whatever it was, wanted to reverse the  
 15 transaction.  
 16 They did so and, instead of going back to zero, when  
 17 they were remming out the transaction, the sum doubled  
 18 to £27,830. Therefore, on the system, it showed that  
 19 the subpostmaster should be holding cash of £27,820  
 20 relating to that transaction, whereas they wanted to  
 21 show that they were holding none. Understood?  
 22 **A.** Yes.  
 23 **Q.** We can see that, from the next bullet point:  
 24 "On 30 April ... the Fujitsu EPOSS Development team  
 25 identified the coding error, and that it had been

23

1 **A.** Yes.  
 2 **Q.** -- rather than Legacy Horizon, and it's an issue that  
 3 looks, on the Fujitsu account, to have lasted two years  
 4 or so?  
 5 **A.** Yes.  
 6 **Q.** Can we turn, please, to a third bug, page 118 of your  
 7 witness statement, please. This is the reversals bug.  
 8 We can skip the first bullet point, which exhibits four  
 9 documents. Second bullet point:  
 10 "A code fix distributed as part of the S30 release,  
 11 caused a problem under certain circumstances due to  
 12 faulty logic. On occasion, when a postmaster attempted  
 13 to 'reverse out' a sum which had been 'reminded in' the  
 14 balance showed double the initial amount rather than  
 15 zero. According to the April 2003 Service Review Book  
 16 ... delivery of S30 commenced in April 2003 and by 2 May  
 17 2003, 2,135 banks were live.  
 18 "The initial issue ... was reported by a postmaster  
 19 on 24 April 2003 ... sent to the Fujitsu [third line  
 20 support, the Service Support Centre] on 28 April 2003,  
 21 who identified that an error had occurred. A [Known  
 22 Error Log] was raised ... The issue was also routed to  
 23 the Fujitsu MSU team so they could liaise with [the Post  
 24 Office] who would then issue Transaction Corrections to  
 25 rectify the accounts, following which the PEAK was to be

22

1 released with S30. An emergency fix was created ...  
 2 went live on 7 May 2003. Instructions for testers  
 3 detailed how the fix was to be tested, to make sure that  
 4 both the new problem and the original problem which S30  
 5 aimed to fix had been fixed."  
 6 So this tells us -- I think this is right, isn't  
 7 it -- that the error was because of an attempted fix to  
 8 another bug.  
 9 **A.** I think that is what it's saying, yes.  
 10 **Q.** So if we look into the detail of it, we've got the  
 11 underlying documents. The Horizon code -- the problem  
 12 was the person who'd written the Horizon code had  
 13 applied the incorrect mathematical symbol to reverse the  
 14 remming in, so, instead of applying the opposite  
 15 mathematical symbol to what had been remmed in, it  
 16 applied the same one as the operator had. So, instead  
 17 of applying a minus following a plus, it applied  
 18 a second plus, understand?  
 19 **A.** I understand the maths. I don't know whether it was --  
 20 all of that was behind this, but ...  
 21 **Q.** Well, if we were to delve into the underlying  
 22 material --  
 23 **A.** Okay.  
 24 **Q.** -- that's exactly what that would show.  
 25 **A.** Okay.

24

1 Q. So rather than I put some money in, plus; the reversal  
 2 wants to reverse that, it should then apply a minus to  
 3 take it back to zero. What it did was the mathematical  
 4 symbol in the code was another plus sign, and so it  
 5 doubled it.

6 A. Understood, and I agree.

7 Q. It was reported, according to that bullet point, in  
 8 April and a fix to the problem caused by the earlier fix  
 9 was applied in May 2003.

10 Can we look at a fourth bug, please, page 119. This  
 11 is the data tree build failure, and this is split into  
 12 a number of sub-issues. This is issue 1, which is the  
 13 only one I'm going to address. Second bullet point:  
 14 "Fujitsu understands this issue was first reported  
 15 to a branch on 10 November 1999 after a discrepancy in  
 16 the accounts ...  
 17 "A number of PinICLs for similar incidents were  
 18 raised between February and May 2000 ...  
 19 "A list of cross-domain problems was presented in  
 20 the monthly Service Review Books to be discussed in the  
 21 Service Review Forum with [Post Office]. The issue with  
 22 the Dungannon branch was tracked in a number of these  
 23 ...  
 24 "To resolve the issue, Fujitsu implemented two  
 25 changes -- specific diagnostics to log a failure to

25

1 2000 ... By [the 28th], Fujitsu had established what had  
 2 happened after discussing the circumstances with the  
 3 postmaster and confirmed [he] should not have been  
 4 effectively able to looking into two counters with the  
 5 same [ID] number. On 1 August 2000, a further incident  
 6 ... was recorded as another instance of the same issue  
 7 ..."

8 Next bullet point:  
 9 "A number of detailed analyses were carried out,  
 10 with an interim diagnosis on 4 October ... By  
 11 22 November ... Fujitsu determined that this was  
 12 a transient bug caused by two modules in the application  
 13 using different methods to communicate with [each  
 14 other]. ... an earlier release (known as C145) should  
 15 have already fixed the issue."  
 16 So a bug identified in July with a decision that  
 17 an existing release by November 2000 should have fixed  
 18 it. Okay, that can come down.  
 19 All of those 29 summaries are there for people to  
 20 read, the Core Participants have got them and have had  
 21 them for many months now.

22 **SIR WYN WILLIAMS:** Before you carry on, Mr Beer, I just want  
 23 to be clear about something.  
 24 In the previous examples you looked at with Mr Beer,  
 25 Mr Patterson, you referenced documents which

27

1 build the data tree, and more error checking in the  
 2 application code. [These] diagnostics were distributed  
 3 to 99% of the estate by 16 May 2000 ... this would allow  
 4 recurrences of the problem to be monitored."  
 5 Then the last bullet point: error checking was  
 6 included in a later release.  
 7 So the issue was first reported on 10 November 1999,  
 8 according to the second bullet point. Again, if we dug  
 9 into the documents we would see that concerned a £43,000  
 10 discrepancy, so quite a sizeable sum of money, and the  
 11 fix was rolled out, we see from this last bullet point,  
 12 up until October 2000, yes?

13 A. Yes.

14 Q. Then, lastly, by way of example, page 146 of your  
 15 witness statement, please, bug 18. Again, like the last  
 16 bug that we looked at, there were a number of issues  
 17 which have been split out, so sub-issues. This concerns  
 18 the concurrent login bug and issue or sub-issue 2 of it.  
 19 Second bullet point:  
 20 "Issue 2 concerned a receipts and payments mismatch  
 21 that occurred due to a coding issue, which permitted  
 22 a postmaster to transfer money from one counter to  
 23 another while the first counter was being rolled over.  
 24 The system should have prevented [this].  
 25 "The incident was raised with Fujitsu on 24 July

26

1 demonstrated that the Post Office was made aware of each  
 2 of those bugs, more or less contemporaneously, all  
 3 right? I'm not concerned about the detail of those  
 4 documents.  
 5 In that last one that we looked at, unless I've  
 6 missed it, you haven't referenced a contemporaneous  
 7 document or anything else to suggest that the Post  
 8 Office was made aware of that bug. I just want to be  
 9 clear about this: is your evidence that each and every  
 10 bug was notified to the Post Office contemporaneously,  
 11 or more or less contemporaneously, or is it the case  
 12 that there may have been some bugs which were not?

13 A. My understanding --

14 **SIR WYN WILLIAMS:** If I've missed the reference in BED 18,  
 15 then please put me right, but I can't see it at the  
 16 moment.  
 17 A. And I can't see it there either, Sir Wyn. So I think  
 18 you are correct that the vast majority of bugs, errors  
 19 and defects were shared, whether BED 18, in this example  
 20 was, I would need to check.  
 21 **SIR WYN WILLIAMS:** All right. Thank you.  
 22 A. I wouldn't know off the top of my head.  
 23 **SIR WYN WILLIAMS:** As Mr Beer has noted, you will be  
 24 returning so there is no great urgency about it but  
 25 I wanted to raise it while it was fresh in my mind.

28

1 Thank you.

2 **MR BEER:** Sir, you're right to raise it. Generally, the  
3 summary where the Post Office has been notified, or  
4 information shared, says so.

5 So looking at the 29 as a whole, would you agree  
6 with the following points:

7 Firstly, in each case Fujitsu agrees that the bug,  
8 error or defect existed?

9 **A.** Yes.

10 **Q.** Secondly, on Fujitsu's own assessment, by looking at  
11 this appendix, the bugs afflicted both Legacy Horizon  
12 and Horizon Online?

13 **A.** Yes.

14 **Q.** Thirdly, we can see by reference to this summary and, in  
15 particular, if we read it alongside the Bugs, Errors and  
16 Defects Report, which contains much more detail, we can  
17 see the date on which, according to Fujitsu at least,  
18 the bug, error or defect was recorded or recognised by  
19 Fujitsu?

20 **A.** Yes.

21 **Q.** Fourth, we can see the impact that Fujitsu assesses the  
22 bug to have that on the estate?

23 **A.** Yes.

24 **Q.** Fifthly, we can see, for most bugs, errors and defects,  
25 whether it was notified to the Post Office and, if so,

29

1 Horizon, well before 2010?

2 **A.** Yes, I agree.

3 **Q.** Fujitsu staff knew of them, on Fujitsu's own account,  
4 from at least November 1999?

5 **A.** Agreed.

6 **Q.** And that this recognition by Fujitsu, reflected in your  
7 witness statement here, doesn't need any investigatory  
8 work to be undertaken by the Inquiry?

9 **A.** No, it doesn't. It's in the notes. I agree.

10 **Q.** It doesn't need any application of judgement by anyone  
11 because it's here in black and white, in Fujitsu's own  
12 words, indeed in your own words?

13 **A.** Agreed.

14 **Q.** When did Fujitsu realise that the bugs, errors and  
15 defects in its Horizon system impacted on the evidence  
16 that was being relied on to investigate and prosecute  
17 subpostmasters for criminal offences?

18 **A.** Is that in my second statement?

19 **Q.** No. This going to your third statement, essentially,  
20 about Litigation Support.

21 **A.** So I don't know the exact date off -- just repeat the  
22 question again, Mr Beer. Sorry.

23 **Q.** Yes. When did Fujitsu realise that the bugs, errors and  
24 defects in its Horizon system impacted on the evidence  
25 that was being relied on to investigate and prosecute

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1 when Fujitsu say the bug was communicated to the Post  
2 Office?

3 **A.** Yes.

4 **Q.** Sixthly, we can see that the earliest bug of the 29  
5 bugs, errors and defects was in November 1999. It was  
6 one of the examples I took you to.

7 **A.** *(The witness nodded)*

8 **Q.** So that was in the course of the national rollout?

9 **A.** Yes, agreed.

10 **Q.** The latest, I'm not going to take you to it now, was  
11 May 2018, that was the bureau discrepancies bug, bug 14.

12 **A.** Agreed.

13 **Q.** So bugs, errors and defects afflicted the Horizon  
14 system, on Fujitsu's own assessment, for a period of  
15 nearly two decades?

16 **A.** Yes.

17 **Q.** Then, lastly, we can see Fujitsu's assessment of the  
18 length of time for which the bug was operative and,  
19 sometimes, that was a substantial period of time. The  
20 first one I took you to, Callendar Square, for at least  
21 six years or ten years by reference to Mr Justice  
22 Fraser's findings?

23 **A.** Yes.

24 **Q.** So I think it follows from this that it's plain that  
25 Fujitsu staff knew about bugs, errors and defects in

30

1 subpostmasters for criminal offences?

2 **A.** So I think in my -- in the company's second statement we  
3 draw attention to -- we knew -- the company knew several  
4 times that that evidence, that had been presented,  
5 needed to be corrected, given some bugs and errors, or  
6 the data needed to be rerun. So I think there will be  
7 several examples in the second statement which answers  
8 your question. I can't give you the exact date on each  
9 and every one of them. I think in each particular ARQ  
10 request it would be applied differently.

11 **Q.** In other words, I'm asking when did Fujitsu put two and  
12 two together and realised they added up to four, four  
13 being "We need to tell the Post Office about these bugs,  
14 errors and defects, not because there's a problem with  
15 the system that we're selling to them, but because  
16 they're prosecuting subpostmasters on the basis of the  
17 evidence that we're providing to them"?

18 **A.** I think there's lots of evidence of us informing the  
19 Post Office of that data that we've just discussed, bugs  
20 and errors, and how those bugs and errors did or did not  
21 impact the financial position as reported. What the  
22 Post Office did with that particular piece of data,  
23 Mr Beer, I do not believe Fujitsu knew at the time but,  
24 certainly latterly, of course the company became more  
25 aware that it was being used nearly solely for

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1 prosecutions.

2 **Q.** Would you agree that the 29 summaries that we've just  
3 looked at some examples of, revealing bugs, errors and  
4 defects in the Horizon System, ought to have been  
5 revealed to the Post Office for the purposes of its  
6 investigatory and prosecutorial functions?

7 **A.** So I don't know if they were not.

8 **Q.** Yeah, that's a different question, I'm asking would you  
9 agree that they ought to have been?

10 **A.** Oh, yes, I do.

11 **Q.** You know, I think, that Fujitsu employees provided  
12 witness statements to the Post Office for the purposes  
13 of the prosecution of subpostmasters and, speaking in  
14 general terms, these bugs, errors and defects did not  
15 find their way in a those witness statements. Do you  
16 know why?

17 **A.** I do not know why. I have seen examples of the witness  
18 statements and, on a personal level, I am surprised that  
19 that detail was not included in the witness statements  
20 given by Fujitsu staff to the Post Office, and I have  
21 seen some evidence of editing of witness statements by  
22 others.

23 **Q.** Where there was a proposal, I think you're referring to,  
24 to include at least a reference to some of the bugs or  
25 some data integrity problems, and they were edited out?

33

1 regulated the Litigation Support to be provided by  
2 Fujitsu to the Post Office. That's where I'm going to  
3 start, so starting with the contract.

4 Are you aware that Fujitsu was contractually bound  
5 to provide evidence in support of Post Office  
6 prosecutions and civil proceedings?

7 **A.** Yes.

8 **Q.** Are you aware that Fujitsu operated a fraud and  
9 Litigation Support office?

10 **A.** Yes, I am aware.

11 **Q.** Which still exists, I think?

12 **A.** I don't know if it does still exist, Mr Beer. I would  
13 need to check that.

14 **Q.** This office, the Fraud and Litigation Support Office,  
15 was to provide Horizon evidence to support prosecutions  
16 and civil actions, correct?

17 **A.** Yes, correct.

18 **Q.** Would you accept that, as Fujitsu was an integral part  
19 of the system supporting legal proceedings against  
20 subpostmasters, and knew that it was, it had a duty to  
21 ensure that the data that it supplied was accurate and  
22 complete?

23 **A.** Yes.

24 **Q.** Has what you discovered led you to the conclusion that  
25 the data supplied was not accurate and complete?

35

1 **A.** Correct, Mr Beer.

2 **Q.** I have no doubt that you would regard that as shameful?

3 **A.** Yes, that would be one word I would use.

4 **Q.** What's the other one?

5 **A.** Shameful, appalling. My understanding of how our laws  
6 work in this country, that all of the evidence should  
7 have been put in front of the subpostmaster, that the  
8 Post Office was relying on to prosecute them.

9 **Q.** Can we turn, please, to your third witness statement  
10 then, please. Now, the matters about which you speak in  
11 your third witness statement and we're about to address  
12 through my questions to you, again, are generally the  
13 product of you having been provided with documents by  
14 your team or briefed by your team, in the same way as  
15 your second witness statement was created; is that  
16 right?

17 **A.** Correct.

18 **Q.** I'm going to ask you questions about the provision of  
19 Litigation Support by Fujitsu to the Post Office in  
20 connection with the Horizon system and, in particular,  
21 the use, the non-use, and the reliability of ARQ data  
22 Audit Record Query, or ARQ data.

23 Now, you start your third witness statement, perhaps  
24 naturally, with the contractual and other forms of  
25 formal documents that regulated or ought to have

34

1 **A.** Yes, it has and we made -- the company made that in this  
2 statement, actually, this number 3.

3 **Q.** Can we look at just what the contract said. So this is  
4 your third witness statement, WITN06650300, at page 3.

5 Again, in general terms, I'm going to restrict my  
6 questions to what you've included in your witness  
7 statement, rather than looking at underlying materials,  
8 partly because of the limitations of your evidence,  
9 given your position, partly because I suspect it'll turn  
10 into an exercise of you saying you weren't in the  
11 relevant post at the time and you didn't see this  
12 document or that document at the relevant time, but you  
13 can read the document like the rest of us, and I don't  
14 want you just interpreting documents.

15 Can we look at paragraphs 6 and 7 then, please. You  
16 say:

17 "from the outset of Horizon, Fujitsu has been  
18 required by contract to maintain an audit trail of 'all  
19 transactions and events ...' (see for example  
20 paragraph 3.1 of Schedule A03 to the Codified Agreement  
21 ... of 28 July 1999 ... and paragraph 3.1 of Schedule D5  
22 to version 13 of the Codified Agreement of 23 November  
23 2020 ..."

24 I'm not going to ask you any questions about the  
25 agreement of 2020 because prosecutions had stopped by

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1 then.  
 2 "This contractual obligation flowed from requirement  
 3 699 contained at paragraph 1.102 of Schedule A15 to the  
 4 1999 Codified Agreement. In particular, requirement 699  
 5 notes at:  
 6 "... 1.102.6: 'The content of the audit trail should  
 7 be agreed with [Post Office Counters Limited] by a date  
 8 consistent with the Project Plan'.  
 9 "... 1.102.9: 'The audit trail shall have a level of  
 10 security such that it cannot be altered or deleted.'"  
 11 No need to read 102.11.  
 12 So you focused in these two paragraphs on the  
 13 obligations of Fujitsu arising from requirement 699 of  
 14 the Codified Agreement?  
 15 **A.** Correct.  
 16 **Q.** They are all about the duty to maintain and provide  
 17 what's called an audit trail?  
 18 **A.** Correct.  
 19 **Q.** Were you told about, and did you take into account in  
 20 what you said in this witness statement, a separate  
 21 requirement in the Codified Agreement concerning what  
 22 was described as prosecution support, that's requirement  
 23 829?  
 24 **A.** Do I --  
 25 **Q.** No.

1 Fujitsu could and did make insertions and amendments  
 2 into data which had an impact on branch accounts?  
 3 **A.** The way I believe the system worked for discovering --  
 4 for the audit trail was to take the raw data and take  
 5 a copy of that to then provide the ARQs. So I think, in  
 6 the ARQ data, you could filter out or add data to that.  
 7 So yes.  
 8 **Q.** Do you accept this meant that Fujitsu could and did  
 9 alter the audit trail data?  
 10 **A.** I think it does mean that, yes.  
 11 **Q.** I do the opposite to what the requirement in 102.9  
 12 says?  
 13 **A.** I think the changes or any adjustments were agreed with  
 14 the Post Office before any action would or would not  
 15 be -- hence the bugs, errors and defects. So I don't  
 16 think it was a secret intervention. I think it was  
 17 discussed, you know, "This bug, this error, causes this:  
 18 make change".  
 19 **Q.** But I think you would accept that audit data should have  
 20 been an exact reflection of the transactions taking  
 21 place at the branch, no more and no less?  
 22 **A.** I do agree with that, and I think the underlying data in  
 23 the message store was exactly that.  
 24 **Q.** That wasn't what was given in the audit data?  
 25 **A.** No.

1 **A.** I think we would have done, in our response to -- in our  
 2 evidence in here in number 3. Yes, we would have done.  
 3 **Q.** You see these paragraphs -- there's a series of  
 4 requirements in the contract --  
 5 **A.** Yes.  
 6 **Q.** -- and you're focusing all about 699, which is about  
 7 audit, either operational audit or commercial audit by  
 8 Auditors. There's a separate series of requirements  
 9 concerning the provision of evidence for the purposes of  
 10 prosecution, which spring up from requirement 829, which  
 11 you don't analyse here at all. Did you know about that  
 12 separate requirement, the 829 requirement?  
 13 **A.** So I am aware of the -- I didn't know the number but  
 14 I was aware, and the company was aware, that there was  
 15 a prosecutionary (*sic*) support obligation in the  
 16 contract, yes.  
 17 **Q.** Okay. In any event, let's look at what you do talk  
 18 about concerning the audit requirement, which may be  
 19 a very different thing to prosecution support.  
 20 **A.** Okay.  
 21 **Q.** In that paragraph at the bottom of the page we've got  
 22 there, you remind us that the Codified Agreement said:  
 23 "The audit trail shall have a level of security such  
 24 that it cannot be altered or deleted."  
 25 Is it now recognised and accepted by Fujitsu that

1 **Q.** Can we turn to page 8, please, where you set out for us  
 2 a flowchart, at the top of the page, thank you, taken  
 3 from a prosecution support process document of  
 4 29 February 2005, so a Fujitsu policy document. I just  
 5 want to look at the policy document. This is one of the  
 6 rare occasions when I'm going to delve into the  
 7 underlying material that's an annex to your witness  
 8 statement. It's just so we can understand some  
 9 foundational terms, get those locked down for our later  
 10 discussion.  
 11 The underlying document from which this diagram is  
 12 taken is FUJ00152209.  
 13 This is one of the exhibits to your witness  
 14 statement, the 11th exhibit to your witness statement,  
 15 and we can see the date of it, as I've just said, in the  
 16 top right there, 29 February 2005. We can see that it's  
 17 version 2, from the top. If we just go over the page,  
 18 please. We can see from that table at the top there,  
 19 I think the fourth entry on that table, that version 1  
 20 of this document was dated 26 November 2002.  
 21 **A.** Yes.  
 22 **Q.** Let's work from this version, the one that was operative  
 23 from 29 February 2005. I'm afraid we're going to have  
 24 to go through a bit of it, just to understand some  
 25 terminology and the process that was intended, to start

1 with. Can we start, please, with page 8, "Scope" of  
 2 document, if we can just look at the top half of the  
 3 page:  
 4 "This document sets out the procedures to be adopted  
 5 by Post Office Account's Prosecution Support Service for  
 6 managing and dealing with Audit Record Queries for  
 7 investigation and support purposes including the:  
 8 "Undertaking of Audit Record Queries;  
 9 "Presentation of transaction records extracted by  
 10 Audit Record Queries;  
 11 "Analysis of appropriate records and logs;  
 12 "Preparation of witness statements of fact in  
 13 relation to Audit Record Queries;  
 14 "Attendance at court by relevant employees to give  
 15 evidence in respect of witness statements;  
 16 "Undertaking of additional litigation/prosecution  
 17 support activities as may be requested on a case-by-case  
 18 basis on the instruction of legal counsel."  
 19 I'm going to skip the next paragraph and then on to:  
 20 "ARQs in support of potential prosecution will be  
 21 obtained solely from the Horizon System Audit  
 22 Archive/Server. The method by which the text of this  
 23 data is protected is described in the Audit Trail  
 24 Functional Specification, evidence in support of data  
 25 integrity will be sourced from the Audit Archive/Server

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1 So that's a reflection, is it, that, before this  
 2 document, there wasn't a formalised statement or policy  
 3 on the provision of prosecution support?  
 4 **A.** That is my understanding.  
 5 **Q.** Then if we can go forwards, please, to page 10. If we  
 6 read paragraph 3.2 at the bottom. There is provision  
 7 here about the limits or the limitations on ARQs:  
 8 "The number of [ARQs] requested by Post Office in  
 9 accordance with investigation or prosecution shall be  
 10 the first to be met per year of [720 or 15,000 query  
 11 days] on a rolling basis.  
 12 "With no more than the first to be met in any  
 13 calendar month of  
 14 "60 queries ... or  
 15 "1,250 query days."  
 16 "Any [ARQs] over and above the 720 maximum will be  
 17 rolled over to the next 12-month period and count  
 18 towards the total for the next year.  
 19 "Post Office may vary the aggregate limits of [ARQs]  
 20 [between the limits set out above and] the following  
 21 substitutes for those limits ..."  
 22 There are some different figures required or  
 23 provided for.  
 24 Then if we go to the foot of this page, thank you:  
 25 "Each [Audit Record Query] shall relate only to

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1 and Post Office Account business logs. All access to  
 2 audit data is restricted to named individuals via  
 3 dedicated workstations located in a secure environment.  
 4 This is consistent with the security controls employed  
 5 for the existing service. Supporting evidence is  
 6 sourced from relevant business records and logs."  
 7 Two types of requests:  
 8 "Audit Record Query only [involving] the extraction  
 9 [of] audit archive of records ... for an outlet.  
 10 "[ARQ] plus witness statement ... involves the  
 11 extraction [of] the audit archive of records ... plus  
 12 the provision of a [particular] witness statement ..."  
 13 Yes?  
 14 **A.** Yes.  
 15 **Q.** Then if we go over to page 9, please. There's something  
 16 about the history in the penultimate paragraph on this  
 17 page:  
 18 "The provision of prosecution support (specifically  
 19 the provision of witness statements of fact) was ... not  
 20 formalised and was provided on a 'without prejudice  
 21 subject to contract' basis pending the receipt of  
 22 [a] Change Request. Prosecution support for the  
 23 existing system is now provided as part of the  
 24 Prosecution Support [System]. This document outlines  
 25 the operational approach to this service."

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1 an individual Outlet.  
 2 "[ARQs] are limited to specific types of  
 3 information/data fields. These are", then they are  
 4 listed.  
 5 Then page 14, please, under the heading "Prosecution  
 6 Support":  
 7 "In addition to the details at 3.4 above [which  
 8 we've just looked at] Post Office shall wherever  
 9 possible, advise on the relevant section of the [ARQ]  
 10 Form whether an associated witness statement is required  
 11 (see Appendix 1)", which we'll look at in a moment.  
 12 Then "Scope":  
 13 "Post Office Account [that means Fujitsu] shall, in  
 14 relation to an [ARQ], at the request of Post Office:  
 15 "[1] Analyse appropriate Horizon Helpdesk and  
 16 non-polling reports for the specific search criteria ...  
 17 in order to check the integrity of transactions  
 18 extracted ...  
 19 "[2] Analyse fault logs for the devices from which  
 20 the records of transactions were obtained to check the  
 21 integrity of transactions;  
 22 "[3] Provide witness statements of fact in relation  
 23 to that [ARQ];  
 24 "The above analyses and witness statements will be  
 25 undertaken in respect of a maximum of 250 [ARQs] per

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1 year ..."  
 2 Fifth:  
 3 "[Fujitsu will] Provide for the attendance at court  
 4 by the person who has provided a witness statement as  
 5 identified above to give evidence in support of that  
 6 witness statement ... a maximum of 100 days [a] year."  
 7 Then at page 19, please, we see, at the top of the  
 8 page there, under paragraph 7.0, the diagram which you  
 9 have cut into your witness statement --  
 10 **A.** Yes.  
 11 **Q.** -- which we'll come back to in a moment.  
 12 Then, at the foot of the page, 7.1 and 7.1.1,  
 13 there's a list of the nine steps to be taken when an ARQ  
 14 request is received. So 7.1.1, team member shall  
 15 "identify the search criteria".  
 16 Then if we just go over the page, 2, they shall  
 17 create an audit trail of the request.  
 18 Then 3, search the files required to complete the  
 19 report.  
 20 4, select and retrieve the files.  
 21 5, generate the message store.  
 22 6, use a tool called RQuery to select the files per  
 23 the search criteria.  
 24 Over the page, please, 7, burn the data onto  
 25 a closed CD, along with a Word document with

1 **A.** Mm-hm.  
 2 **Q.** The third thing is analyse the fault logs, so any  
 3 relevant PinICLs in PowerHelp logs will be reviewed  
 4 through the PEAK system to identify any recorded faults  
 5 that might affect the integrity or admissibility of the  
 6 audit archive from which the ARQ queries are extracted:  
 7 "The PEAK log will detail the error relating to the  
 8 site equipment [and] service in question."  
 9 Then the fourth add-on, "Complete a witness  
 10 statement of fact":  
 11 "[Prosecution support] will provide a witness  
 12 statement of fact ... as far as possible to be  
 13 undertaken by the person responsible for the actioning  
 14 of the work ... so as to retain continuity of evidence  
 15 ..."  
 16 Then 7.4.1, about witness statements of fact:  
 17 "Any material or otherwise pertinent information  
 18 shall be recorded and included in the relevant witness  
 19 statement of fact.  
 20 "Requirements for witness statements ... shall be  
 21 completed by the did from [Prosecution Support] who  
 22 completed the request.  
 23 "The statement shall follow the standard format and  
 24 layout for witness statements of fact provided in  
 25 evidence. Contents of witness statements of fact are

1 an explanation.  
 2 8: carry out a virus check.  
 3 9: dispatch it.  
 4 So the nine steps in the process are described.  
 5 Then page 21, please. You'll remember that there  
 6 were four other things under prosecution support that  
 7 Fujitsu could do, and this lists them out. If we look  
 8 at 7.2.1, so the first of them, 2.1, is "Check Horizon  
 9 System Helpdesk Logs":  
 10 "Problems or faults at a post office outlet logged  
 11 with the [HSH] will be examined using the search  
 12 criteria ..."  
 13 So this is, if the subpostmaster has called an issue  
 14 in, it ought to be discovered by searching the Helpdesk  
 15 logs, yes?  
 16 Then, secondly, over the page, the second thing as  
 17 well, as the production of ARQ data, that was to be  
 18 done, was an analysis of non-polling reports:  
 19 "Non-polling reports shall be reviewed for the  
 20 outlet in question ..."  
 21 Do you know what non-polling is?  
 22 **A.** I'm assuming it's about the network and connecting to  
 23 the main database and --  
 24 **Q.** Broadly, yes. So conduct an analysis of non-polling  
 25 reports.

1 flexible depending on specific requirements ... and the  
 2 knowledge of the witness giving the statement.  
 3 An example of a witness statement of fact is provided in  
 4 Appendix 2."  
 5 Let's just go and look at that, please. That's  
 6 page 29, I think, of this document. So there's  
 7 a template or boilerplate witness statement. If you  
 8 just look at paragraphs 1 and 2 and just read those to  
 9 yourself.  
 10 **A.** Yes.  
 11 **Q.** Then over the page, you see there's an explanation, in  
 12 C, of the system, and in D, and in E. Then if we go  
 13 forwards to page 32, please, the foot of the page of 32:  
 14 "During audit extractions the following controls  
 15 apply ..."  
 16 Then they are listed out between 1 and 10, if you  
 17 just keep scrolling, thank you.  
 18 Then there's some deletions and then this:  
 19 "ARQ [whatever the number was] was received on  
 20 [whatever the date was] and asked for information in  
 21 connection with the Post Office at [whatever the FAD  
 22 code of the post office was]. I produce a copy of ARQ  
 23 ... as [an exhibit number]. On various dates and at  
 24 various times between [two dates], I undertook  
 25 extractions of data held on the Horizon system in

1 accordance with the requirements of [something] and  
 2 followed the procedure outlined above. I produced the  
 3 resultant CD as [X, as an exhibit number]."  
 4 That's all we need to look at there. If we go back,  
 5 then, please, to page 22 of the prosecution support  
 6 document. We were looking at witness statements of fact  
 7 in 7.2.4.1 at the foot, and we'd reached halfway through  
 8 paragraph 3:  
 9 "For each request, Post Office Limited and  
 10 [prosecution support] will agree relevant matters (such  
 11 as those listed below) which should be covered in the  
 12 witness statement of fact (based on the knowledge of the  
 13 witness):  
 14 "[1] Identification information about the author ...  
 15 "A summary of the previous manual system used by the  
 16 Post Office before Horizon.  
 17 "A summary of Horizon and what information is  
 18 recorded.  
 19 "How consistent time is recorded within [Horizon].  
 20 "The types of report that can be generated on  
 21 a counter by a clerk."  
 22 Over the page:  
 23 "The transfer of accounts from Post Office main  
 24 accounts department.  
 25 "A brief overview of all applications ...  
 49

1 Under 8.2, "Expert witness" evidence:  
 2 "To offer all the available evidence without it  
 3 being requested will only serve to flood the courtroom  
 4 with documentation. For this reason, expert in-depth  
 5 analysis and detailed 'expert' witness statements (as  
 6 opposed to witness statements of fact) are rarely  
 7 required.  
 8 "It is ... conceivable that, given the size and  
 9 complexity of the Horizon system, the integrity of the  
 10 witness statements of fact may be challenged by defence  
 11 council in order to discredit a prosecution. In these  
 12 cases additional, granular detail about the technical  
 13 working and integrity of various systems ... may be  
 14 required if only for 'unused material'.  
 15 Then there's a list of the types of expert evidence  
 16 that could be called upon to be provided. Above that:  
 17 "Expert witnesses could comprise anyone within the  
 18 Post Office Account or its approved contractors who  
 19 would be called upon to provide and testify to this  
 20 additional evidence."  
 21 Right, we can stop there, looking at that policy  
 22 document.  
 23 Would you agree that this provides quite  
 24 comprehensive guidance on the provision of prosecution  
 25 support by the Fujitsu Prosecution Support Service to  
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1 "How data is passed from the counter to [the  
 2 archive].  
 3 "The process for extracting information for [ARQs]  
 4 and the controls in place to protect and ensure the  
 5 integrity of that data.  
 6 "An analysis of the [ARQ], when the [ARQ] form was  
 7 received and the dates when the audit data extraction  
 8 took place ...  
 9 "A summary of the evidence provided for the  
 10 request."  
 11 Then 7.2.4.2, "Court attendance in support of  
 12 Witness Statement of Fact":  
 13 "The author of a witness statement of fact may be  
 14 required to attend court in order to bear testimony to  
 15 the facts."  
 16 2.5, "Provision of exhibits". This will generally  
 17 comprise one of the following four: CDs, which we've  
 18 seen; HSH logs, which we've seen reference to;  
 19 non-polling reports, which we've seen reference to; and  
 20 fault logs. They are back references, essentially, to  
 21 paragraphs 7.2.1, 2 and 3 of the document.  
 22 Then over the page, please, sorry, to page 25, under  
 23 the heading "Additional Prosecution Support":  
 24 "There may be occasions when information is  
 25 requested which exceeds that provided for ..."  
 50

1 the Post Office?  
 2 **A.** Yes, it does.  
 3 **Q.** Would you agree that it recognises, on its face,  
 4 a difference between evidence of fact and expert  
 5 evidence --  
 6 **A.** Yes.  
 7 **Q.** -- and that it treats them differently?  
 8 **A.** Yes.  
 9 **Q.** Would you agree it sets out the steps to be taken in  
 10 each case to obtain and then to disclose ARQ data --  
 11 **A.** Yes.  
 12 **Q.** -- and it reflects those steps or requires those steps  
 13 to be reflected and spoken to in a witness statement?  
 14 **A.** And more. So I think the ARQ data alone is not enough  
 15 and, in our corporate statement, we say that also.  
 16 **Q.** Yes. We're going to come to that probably after the  
 17 break, the important point you make in paragraph 19 of  
 18 your statement --  
 19 **A.** Yes.  
 20 **Q.** -- that ARQ was never enough.  
 21 **A.** Yes, and I think that document shows that there is  
 22 a range of information that the subpostmaster should  
 23 have been presented with.  
 24 **Q.** If we go back to the diagram on page 8 of your third  
 25 witness statement, please, WITN06650300, page 8, please.  
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1 If we look at the diagram at the top, you'll see that it  
 2 splits immediately -- if that can be blown up, the  
 3 diagram, please, thank you -- between, on the right-hand  
 4 side, an ARQ form which is for prosecution support and,  
 5 on the left-hand side, seemingly one which is not. Yes?

6 **A.** Yes.

7 **Q.** It treats them differently. You'll see that, on the  
 8 right-hand side, as we've just seen in the policy  
 9 document, that step 1 includes checking Helpdesk logs,  
 10 we've seen that; the second step is to analyse  
 11 non-polling reports; and the third step is analyse the  
 12 PEAKs and, as we've seen in the policy document, that's  
 13 all about integrity of data.

14 **A.** Yes.

15 **Q.** It doesn't include checking the Known Error Log --  
 16 that's neither in the diagram nor in the policy -- does  
 17 it?

18 **A.** No, it doesn't.

19 **Q.** So it's not in the diagram, it's not in the policy and,  
 20 if we looked, it's not in the witness statement either,  
 21 the boilerplate witness statement. Do you know why that  
 22 is, that if you're wanting to look at the integrity of  
 23 Horizon data, one wouldn't look at the Known Error Log?

24 **A.** I don't know why they wouldn't have done and I would  
 25 have expected a more holistic assessment of the entire

1 them and communication between all parties. How that  
 2 was communicated to subpostmasters, I think, is slightly  
 3 different but known errors were known, and lots of  
 4 people knew them. With a particular one, Mr Beer, to  
 5 your question earlier, that might be a timing thing  
 6 versus not trying to share it.

7 **Q.** I'm not, at the moment, delving into any individual  
 8 cases as to why the Known Error Log was not revealed to  
 9 a subpostmaster in a prosecution; I'm asking why it's  
 10 missing from the process.

11 **A.** I have no idea why it's not.

12 **MR BEER:** Sir, that would be an appropriate moment, if it's  
 13 convenient to you, to take the morning break until  
 14 11.45.

15 **SIR WYN WILLIAMS:** That's fine by me, so we'll reconvene at  
 16 11.45.

17 **MR BEER:** Thank you very much, sir.

18 (11.29 am)

(A short break)

20 (11.45 am)

21 **MR BEER:** Good morning, sir, can you still see and hear us?

22 **SIR WYN WILLIAMS:** Yes, thank you.

23 **MR BEER:** Thank you.

24 Mr Patterson, we were just dealing with the diagram  
 25 which reduces to diagrammatic form the main parts of the

1 environment that a subpostmaster was using, and so  
 2 I would have expected error logs and other matters to be  
 3 presented and considered.

4 **Q.** In your reading of the materials, in your investigation  
 5 of the issues and in the briefings you have received,  
 6 did you notice any reluctance on the part of Fujitsu in  
 7 the past to reveal the existence of a thing called the  
 8 Known Error Log?

9 **A.** There is, in the submission to the Inquiry today for  
 10 number 3, there is evidence of that, where "Don't share  
 11 with the Post Office yet". I don't know the individual  
 12 situation, whether was subsequently shared with the Post  
 13 Office but there was certainly those reluctance.  
 14 Whether that was just for completeness, completeness to  
 15 make sure had what we shared with the Post Office was  
 16 complete versus, I think -- it may well be there's  
 17 definitely evidence in submissions from -- in this  
 18 submission, around exactly what you just described.

19 **Q.** Do you know why Fujitsu might be reluctant to reveal  
 20 even the existence of something called the Known Error  
 21 Log?

22 **A.** No, I -- it -- the title is "Known Error Log". It's not  
 23 unusual in a large system of -- certainly of this size,  
 24 that there will be errors and known errors and,  
 25 certainly, from the very outset, there were lists of

1 process that we saw in the 2005 process document.  
 2 I think you'll agree that it -- either the process or  
 3 the diagram -- does not include, as part of the process,  
 4 checking event logs --

5 **A.** Yes.

6 **Q.** -- including the NT event log?

7 **A.** Mm-hm.

8 **Q.** Yes?

9 **A.** Yes.

10 **Q.** I think elsewhere in your statement -- I'm not going to  
 11 take you to them, I think paragraph 89 and 100 in your  
 12 witness statement -- you speak to the fact that some  
 13 errors, which were not otherwise picked up, were  
 14 recorded in such error logs?

15 **A.** Yes.

16 **Q.** You tell us in your statement that checking event logs  
 17 was only considered as part of the routine process to be  
 18 undertaken, after the locking problems were discovered  
 19 in 2008. Do you know why checking event logs was only  
 20 considered as part of the routine process after 2008?

21 **A.** No, I do not, Mr Beer.

22 **Q.** When you describe that for us in your witness statement,  
 23 you say that you understood or it is understood to have  
 24 become part of the process in 2008. How do you know  
 25 that it was or it is understood to have become part of

1 the process after 2008?

2 **A.** Only from the information that we've gathered from

3 conversations and documentation from investigations

4 around the process. That is what I think I've reflected

5 in the submission.

6 **Q.** The process that we see in the diagram and in the policy

7 did not include checking the message store for any

8 notes, for example, left by SSC staff, correct?

9 **A.** Correct.

10 **Q.** Therefore, if SSC staff left messages when they had

11 inserted data into branch accounts -- we've heard about

12 this from Anne Chambers -- that would not be revealed by

13 the process undertaken?

14 **A.** No, it wouldn't be.

15 **Q.** Do you know why that check was not built in to the

16 process: checking the message store for notes left by

17 SSC staff --

18 **A.** No, I do not.

19 **Q.** -- that might record or reflect the fact that they had

20 inserted data into branch accounts?

21 **A.** So I do not, Mr Beer, why.

22 **Q.** As a result of those things that were not done, checking

23 the Known Error Logs, not looking at event logs,

24 including the NT event log, not checking the message

25 store for notes left by SSC staff, means that, in the

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1 **Q.** Because the witness statement should only be

2 a reflection of what has been done.

3 **A.** Agreed, agreed.

4 **Q.** Additionally we've heard evidence, this week in fact,

5 that members of third line support, the SSC, undertook

6 a process of filtering ARQ data before it was provided

7 to the Post Office, and that filtering of data meant

8 that some relevant data may not have been provided to

9 the Post Office. That part of the process, the SSC

10 getting involved and filtering data out, is not

11 described in either the policy, the diagram or the

12 witness statement, is it?

13 **A.** No, it's not.

14 **Q.** So it's not in the process map we see here?

15 **A.** No, it's not.

16 **Q.** It's not in the broader policy or, indeed, in any other

17 document that describes the full process, and it's not

18 in the boilerplate witness statement?

19 **A.** No, it is not.

20 **Q.** Indeed, would you agree the witness statement, the

21 boilerplate witness statement, gives the impression that

22 all of the raw data that has been obtained within the

23 relevant date ranges has been extracted and provided to

24 the Post Office?

25 **A.** Yes, it does.

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1 data gathering process, when the Post Office made

2 a request for ARQ data, Fujitsu did not provide

3 everything that was required to reveal whether Horizon

4 was working properly at a particular branch at

5 a particular time; do you agree?

6 **A.** I think the document requesting the ARQ -- I think you

7 said we saw earlier about witness statement or no

8 witness statement -- that document laid out the criteria

9 for the search.

10 **Q.** Yes.

11 **A.** It did not include those points of --

12 **Q.** Those three things?

13 **A.** Yes, those three things that we've just agreed on, sir,

14 and I don't know why.

15 **Q.** Would you agree that the failure to include, whether as

16 part of the process or a witness statement that

17 reflected the steps that were taken as part of that

18 process, mean that Fujitsu did not provide everything

19 that was required to reveal whether Horizon was working

20 at a particular branch at a particular time properly?

21 **A.** Yes, I think the witness statement and other evidence

22 should have been far more comprehensive before it was

23 placed in front of a subpostmaster. Yes.

24 **Q.** Not just a witness statement, the steps that were taken?

25 **A.** Oh, no, indeed, yes, yes.

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1 **Q.** Whereas, in fact, there's a step in the process that has

2 not been revealed to the subpostmaster or to the court?

3 **A.** Agreed.

4 **Q.** So, if the evidence that we've heard from Fujitsu

5 witnesses this week is correct, then a witness statement

6 that followed the template and didn't mention the

7 filtering out exercise would mean that the witness

8 statement was false and misleading by omission, wouldn't

9 it?

10 **A.** I think the witness statement generally needed to be

11 more comprehensive and it did -- it absolutely missed

12 those points that you've just alluded to and it would be

13 misleading.

14 **Q.** Because it gives the impression of extraction

15 essentially onto a CD?

16 **A.** Very simply, yes, it does.

17 **Q.** Can we please turn to the utility of the ARQ data and

18 look at what might be one of the most significant

19 paragraphs in your witness statement, which is

20 paragraph 19. This is on page 11. You say:

21 "The Inquiry has asked Fujitsu to confirm whether,

22 in its view, the ARQ data provided to [the Post Office]

23 over time was sufficient to enable a postmaster to

24 understand whether Horizon was operating correctly at

25 their branch."

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1 Indeed, that is the question that we asked you to  
2 address.

3 "In the light of (i) the evidence heard by the  
4 Inquiry from postmasters during the Human Impact  
5 hearings, (ii) the evidence set out in the Fujitsu  
6 Witness Statements, and (iii) the matters set out in  
7 this corporate statement in relation to the ARQ  
8 Spreadsheet, Fujitsu cannot confirm that ARQ data on its  
9 own was sufficient to enable a postmaster to understand  
10 whether Horizon was operating correctly at the relevant  
11 branch in the time period covered by the ARQ data  
12 requested by [the Post Office]."

13 **A.** Correct.

14 **Q.** So you're saying, by reference to three data sources  
15 there, or three bits of information or evidence, that  
16 the conclusion in the last three lines, "Fujitsu can't  
17 confirm that ARQ data was sufficient to enable  
18 a postmaster to understand whether Horizon was operating  
19 at their branch correctly"?

20 **A.** Agreed.

21 **Q.** That's, would you agree, a rather startling omission?

22 **A.** Yes, I would agree but, importantly, it's the truth. On  
23 its own, the ARQ data could not give a subpostmaster all  
24 the data that they would need to determine whether  
25 everything in that environment was working correctly.

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1 evidence and what he was told about the centrality and  
2 completeness of ARQ data. I think you'll know that from  
3 reading the judgment.

4 **A.** Yes.

5 **Q.** The issue that confronted the judge was why was ARQ data  
6 not sought in a number of the cases and the consequences  
7 for the reliability of action taken against the  
8 subpostmaster because ARQ data was not sought.

9 In the light of what you've said, I think you would  
10 agree that the provision of the ARQ data in the form  
11 that it was provided and the extent that it was provided  
12 was not really the gold standard at all.

13 **A.** No, it wasn't.

14 **Q.** More a bronze standard or a copper standard?

15 **A.** I wouldn't use that characterisation at all. I've  
16 seen --

17 **Q.** Pewter?

18 **A.** Well, I have seen one of the examples, I think, in  
19 Mr Castleton's case and looking at that spreadsheet, and  
20 it's, I think for me, it's impossible to determine from  
21 there, and that's certainly not a gold standard or any  
22 standard. It's a very simple Excel file which tells you  
23 not very much.

24 **Q.** Do you know why Fujitsu allowed that mischaracterisation  
25 of the position to stand in the course of the Group

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1 **Q.** Apart from the event logs that I've described, that  
2 weren't accessed, the KELs that I've described, the  
3 notes left in the message store that were not accessed,  
4 has Fujitsu identified anything else that was needed to  
5 understand, from a postmaster and a court's perspective,  
6 whether Horizon was operating correctly at their branch?

7 **A.** In our submission, in the company's submission here, we  
8 haven't identified any other material or any other  
9 systems that needed to be interrogated. In my reading  
10 of our documentation and given what I know, I think  
11 there are other areas that may well be -- in terms of  
12 the other systems inside the Credence system and the  
13 POLSAP system, how these things all feed into each  
14 other -- should also have been -- should also have been  
15 checked.

16 **Q.** In the Group Litigation proceedings in the High Court in  
17 the Horizon Issues trial, the Post Office's expert,  
18 Dr Worden, explained audit data as being central to the  
19 operation of the whole system, and he said it's  
20 a central principle of Horizon that the core audit  
21 database acts as a secure gold standard for branches,  
22 a central principle of Horizon that the core audit  
23 database acts as a secure gold standard for branch  
24 accounts, and, indeed, the trial judge, Mr Justice  
25 Fraser, based, in part, a number of his findings on this

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1 Litigation?

2 **A.** No, I do not.

3 **Q.** Whether or not it was the gold standard, as it was  
4 presented in the Group Litigation, in fact, you,  
5 I think, agree that ARQ data was only a start --

6 **A.** I completely agree.

7 **Q.** -- and, at the very least, ARQ data ought to have been  
8 provided in any case of the investigation or prosecution  
9 of a subpostmaster for a criminal offence?

10 **A.** Yes.

11 **Q.** Looking at the three reasons that you gave for ARQ data  
12 not being sufficient to enable a subpostmaster to  
13 understand whether Horizon was operating correctly at  
14 the relevant time, the first reason was evidence heard  
15 by the Inquiry from subpostmasters during the Human  
16 Impact hearings. What was it about that evidence that  
17 leads you to the conclusion that you've reached?

18 **A.** Listening to -- or reading in my case, actually -- the  
19 submissions, the notion that all of those subpostmasters  
20 had somehow all independently experienced the same thing  
21 and were all not aware -- and couldn't control it or  
22 didn't know what was going on, is clearly not true.

23 There were problems and the subpostmasters were  
24 flagging those problems, and it is very clear from all  
25 of the evidence from subpostmasters that, on its own, it

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1 could not be relied upon: the ARQ data, that is.

2 **Q.** So it's listening to the evidence of subpostmasters or  
3 reading the evidence of subpostmasters: how was that  
4 translated into "The ARQ data was not enough"  
5 conclusion?

6 **A.** So in the research and the work that the team have done  
7 in looking at all the evidence, all the commentary from  
8 the subpostmasters, to have that volume of commentary  
9 around the data, the appearance of it, how it was  
10 presented, how it was -- there was clearly a problem in  
11 that process and that is why we've concluded it was not  
12 on its own sufficient enough for the subpostmasters to  
13 conclude.

14 **Q.** Thank you. The second reason you give for reaching the  
15 conclusion you do is the evidence set out in the Fujitsu  
16 witness statements. Now, the Fujitsu witness statements  
17 are the witness statements that were filed at the same  
18 time or roughly the same time as your corporate  
19 statement?

20 **A.** Yes.

21 **Q.** They included, for example, that of John Simpkins and  
22 Gerald Barnes, from whom we've heard this week. John  
23 Simpkins told the Inquiry in his witness statement and  
24 in his evidence, in relation to Legacy Horizon, that the  
25 message store provided a much more comprehensive account

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1 **Q.** -- if that can come up on the screen, please, third  
2 corporate witness statement, page 14. It's essentially  
3 those six things which are -- can I call them problems  
4 with ARQ data?

5 **A.** Yes.

6 **Q.** That's led you to the paragraph 19 conclusion too?

7 **A.** Yes.

8 **Q.** So let's just see the context of this, if we go back  
9 a page to page 13. At the foot of the page,  
10 paragraph 26:  
11 "The Inquiry has asked whether Fujitsu is aware of  
12 any cases where an ARQ log produced for the purposes of  
13 court proceedings against subpostmasters (i) may not  
14 have accurately matched the 'original log files', or  
15 (ii) was, or may be, unreliable (together [you call  
16 them] 'ARQ reliability')."  
17 Then you tell us in paragraph 27:  
18 "In the course of Fujitsu's investigations to date,  
19 a number of incidents that may have impacted on either  
20 the underlying audit trail from which ARQ data is  
21 extracted or the ARQ extracts themselves have been  
22 identified. [Your] investigations have included both  
23 document searches and discussions with ... employees.  
24 [They] are described in more detail below. Given the  
25 expansive period covered by the ... requests, and the

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1 of the data held in the audit archive than did the ARQ  
2 data that was provided. Presumably it's that kind of  
3 evidence that you're referring to here as meaning that  
4 ARQ data was not good enough?

5 **A.** Yes, all three of the witness statements.

6 **Q.** Is that because, in this example, the information held  
7 on the message store would have been of use to  
8 subpostmasters who sought to challenge alleged  
9 shortfalls?

10 **A.** Yes, and I believe, in reading the witness statements  
11 from other Fujitsu colleagues, it was very clear that  
12 the message store was a far richer source of that  
13 information.

14 **Q.** The third thing you mention, as leading to the  
15 conclusion that Fujitsu has reached, is the matters set  
16 out in this corporate witness statement, yes?

17 **A.** Yes.

18 **Q.** Is that, essentially, the six subtopics that you go on  
19 to address in your witness statement from paragraph 26  
20 onwards?

21 **A.** Yeah, it's the -- it talks about the table, yes.

22 **Q.** So if we look at the table --

23 **A.** Yes.

24 **Q.** -- at the foot of page 14 --

25 **A.** Yes.

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1 limitations of relying on and interpreting records of  
2 technical matters ... without the benefit of guidance or  
3 explanation from relevant employees with contemporaneous  
4 knowledge, Fujitsu cannot be sure that these incidents  
5 contained in the witness statement are [exclusive]", and  
6 if more are covered you will tell us.

7 **A.** Yes, correct.

8 **Q.** So just looking at the hierarchy of problems we are  
9 dealing with, one is that in the prosecution of  
10 subpostmasters, in many occasions, no ARQ data was asked  
11 or provided?

12 **A.** Yes.

13 **Q.** Top tier problem. Second problem, in the cases where  
14 ARQ data was provided, it wasn't sufficient in itself,  
15 see paragraph 19 of your witness statement --

16 **A.** Yes.

17 **Q.** -- and suffered from the defects that your employees  
18 have described?

19 **A.** Yes.

20 **Q.** Third tier problem, in any event, there were incidents  
21 across time that affected the very reliability of the  
22 ARQ data itself?

23 **A.** Yes.

24 **Q.** Can we look, then at that third tier problem:  
25 reliability of ARQ data, so, bearing in mind the health

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1 warning you give us here, that this shouldn't be taken  
 2 to be exhaustive or complete. But what you are telling  
 3 us is, is this right, that the six incidents or six  
 4 issues that you set out in the table do cast doubt on  
 5 the reliability and completeness of ARQ data?

6 **A.** Yes.

7 **Q.** Can we look, please, at paragraph 28 and 29, on page 15.  
 8 You say:

9 "... I understand that Fujitsu has identified  
 10 approximately 2,400 ARQ requests dating from November  
 11 2002 onwards. For reasons highlighted ... above, it has  
 12 not been possible to conduct a forensic investigation  
 13 into the ARQ reliability of the audit data supplied to  
 14 [Post Office in respect of ARQ requests."

15 Is that essentially because the raw data is not  
 16 available?

17 **A.** In some cases, yes. I think before 2007, we don't have  
 18 the raw data.

19 **Q.** "The following summaries of incidents which Fujitsu has  
 20 identified as having a potential impact on the issue of  
 21 ARQ reliability have been prepared from documents  
 22 produced to the Inquiry."

23 They're not within your personal knowledge.

24 So just translating the effect of those  
 25 two paragraphs, 28 and 29, it's right that the six

1 reliability of some of the ARQ data?

2 **A.** Yes.

3 **Q.** I think it follows from that, is this right, that you  
 4 accept that the Post Office ought to have been told  
 5 about the six incidents or issues?

6 **A.** Yes, they should have been and I believe they were.

7 **Q.** In relation to all six?

8 **A.** We might go through all of them now. As I said,  
 9 I think, earlier, there was certainly a delay in some  
 10 correspondence we've seen in evidence between when  
 11 a problem which could affect was communicated, but I am  
 12 unaware, Mr Beer, whether any of these were held back  
 13 entirely.

14 **Q.** Okay, well, we'll look at that as we go through each of  
 15 them.

16 **A.** Okay.

17 **Q.** Just to be clear, so everyone can work out where we are,  
 18 this is a completely separate issue from the 29 bugs,  
 19 errors and defects. That's errors and defects with the  
 20 operation of the Horizon system. We're dealing with six  
 21 incidents or issues, problems, concerns, with the  
 22 production of ARQ data?

23 **A.** Yes.

24 **Q.** But just going back to my question, I think it follows  
 25 that you accept that the Post Office should have been

1 issues that we're going to speak about in a moment,  
 2 referred to in the remainder of your witness statement,  
 3 haven't been run against the 2,400 ARQ requests that the  
 4 Post Office made --

5 **A.** Correct.

6 **Q.** -- to see whether they, in fact, afflicted that data.

7 So secondly, is this right, the actual impact of the six  
 8 incidents or issues on the 2,400 ARQ requests is not  
 9 known?

10 **A.** In some instance, they are very time bound some of these  
 11 six topics.

12 **Q.** Yes.

13 **A.** So they wouldn't have applied to a previous version of  
 14 Horizon. So there will be definitely -- not all of them  
 15 would have to be applied to all 2,400, because of time.

16 **Q.** Yes.

17 **A.** Other than that, you -- I would agree with your  
 18 characterisation.

19 **Q.** But looking at it the other way round, would you agree  
 20 that six incidents or issues are not assessed to have  
 21 had no material impact on the reliability or integrity  
 22 or completeness of ARQ data otherwise you wouldn't be  
 23 telling us about it?

24 **A.** Yes, agreed, yes.

25 **Q.** Instead, they have at least the potential impact on the

1 told about these six incidents?

2 **A.** Yes.

3 **Q.** That's because that would enable the Post Office to  
 4 either decide whether reliance could be placed on the  
 5 ARQ data that it was being given or not and, if it  
 6 decided that reliance could be placed on the ARQ data,  
 7 then it would need to tell the Defendant and the court  
 8 about the issue or issues it had been told about by  
 9 Fujitsu?

10 **A.** Agreed.

11 **Q.** So it can give proper disclosure of the flaw in the  
 12 data, which might cast doubt on its reliability?

13 **A.** Agreed.

14 **Q.** That's why they needed to be told. I think it's clear  
 15 from the evidence you're going to tell us about a number  
 16 of the six issues, that the incidents were indeed known  
 17 about by the Post Office and discussions took place at  
 18 a senior level between the Post Office and Fujitsu,  
 19 including the consequences of the error and whether  
 20 compensation needed to be paid by Fujitsu to the Post  
 21 Office; is that right?

22 **A.** Compensation from Fujitsu? I didn't quite catch the  
 23 last part, sorry.

24 **Q.** Yes, when we look at one of the incidents, we'll see  
 25 that there was a threat of litigation from the Post

1 Office to Fujitsu?

2 **A.** Was that the broken audit trail?

3 **Q.** Yes, it was.

4 **A.** Yes, indeed, I understand -- so I agree with you,

5 Mr Beer, on that one, yes.

6 **Q.** So some of them escalated up to a senior level?

7 **A.** Yes, I follow you now. Yes.

8 **Q.** Are you aware of any instances where there was a known

9 or suspected issue with the ARQ data and that ARQ data

10 was, nonetheless, relied on by the Post Office in

11 a criminal or civil proceeding brought against

12 a postmaster?

13 **A.** Have you got an example?

14 **Q.** I'm asking you whether, as part of the process that

15 you've gone through, that you have, and your company has

16 discovered, never mind the 2,400 requests that were put

17 into us by the Post Office, let's look at the ones that

18 actually resulted in criminal proceedings and

19 a conviction.

20 **A.** Mm-hm.

21 **Q.** Can we see whether any of these six bugs, I'm going to

22 call them, afflicted the reliability of that data?

23 **A.** So my evidence says, yes, it could have done. Yes, it

24 could have done.

25 **Q.** Can we look, then, at the six incidents, and the first

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1 23 May 2001, Fujitsu identified the Broken Audit Trail

2 when undertaking an audit data extraction for

3 [an Internal Crime Manager in the Post Office] in

4 relation to an ARQ request [number 8]. It appears that

5 data for the period 8 to 14 August ... was held on four

6 [of the] tapes."

7 Then if we go over the page, please, to page 18,

8 paragraph 35. You're quoting, in part, from the letter.

9 "On 9 May, [Post Office] was notified that Fujitsu

10 was unable to source the evidential data requested."

11 Then in the letter you've just referred to:

12 "[Fujitsu] informed [the Post Office] of the issue

13 and explained that 'the break has arisen due to

14 a combination of events out side [Fujitsu's] immediate

15 control but it does mean we are not able to retrieve TMS

16 records for that 6 day period. All other elements of

17 the audit trail are complete'."

18 Then if we go to page 24, please. In paragraphs 40

19 to 51, you have described for us the attempts to recover

20 and rebuild that missing data but the essence of it is

21 in this paragraph 49, here:

22 "By October 2001, the ... back-up tapes had also

23 been recovered from the relevant data centre ... In

24 order to reconstitute the audit data from the ...

25 back-up tapes, a pseudo audit server was built which the

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1 of them comes on page 15 of your witness statement. I'm

2 going to deal with these at relative speed because the

3 detail is set out in your witness statement in detail,

4 and is backed up by over 300 exhibits.

5 Firstly, the broken audit trail. This is problem

6 number 1, I'm going to call it. We can see what the

7 issue is on page 15 at paragraph 30:

8 "In or around May 2001, it was identified that there

9 was a data loss in the audit trail for a six-day period

10 in August 2000 ..."

11 So I think that tells us that nine months after the

12 data loss occurred, it was recognised, yes?

13 **A.** Yes.

14 **Q.** "At this time, audit data was gathered by an audit

15 server and written to [a tape] for long-term storage, to

16 be retrieved when needed. Two 'data centres' ... at

17 Bootle and Wigan, which contained the main Horizon

18 servers."

19 Then you go on to describe in more detail how the

20 data loss occurred.

21 Then if we look at the second point, which is

22 notification to the Post Office, that's paragraph 33 on

23 page 17. So paragraph 33:

24 "According to a letter from Jan Holmes ... to Sue

25 Kinghorn [so that's from Fujitsu to Royal Mail] dated

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1 back-up tapes were loaded on to ... by ...

2 December 2001, Fujitsu had reportedly identified that

3 about 66% of the missing data ... was available on the

4 back-up tapes. The remaining 34% was not present ...

5 and was deemed irretrievable. The gap in the audit

6 trail was therefore said to have been reduced from

7 a period of 6 days ... to less than 24 hours ..."

8 **A.** Correct.

9 **Q.** So is that an example of what you would describe as

10 a limitation in time of the affect that this issue had

11 on the audit trail?

12 **A.** Yes.

13 **Q.** Then, if we go forward to page 27, please. You address

14 steps taken to prevent this happening again. I'm not

15 going to go through all of those but, if we go forward

16 to page 31, please, at paragraph 63 -- in the preceding

17 paragraphs, you have dealt with essentially

18 an escalation of correspondence between Fujitsu and the

19 Post Office, concerning allegations of breach of

20 contract by Fujitsu and threats of litigation by the

21 Post Office, and the outcome of this was that Post

22 Office and Fujitsu agreed to settle any claims regarding

23 possible breaches by Fujitsu of its contractual

24 obligations in return for a payment of £150,000.

25 **A.** Yes.

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1 **Q.** Can we turn to problem number 2, please, "Omissions in  
2 ARQ Data Caused by Operator Error". You deal with that  
3 immediately underneath these paragraphs here and  
4 describe the issue in paragraph 64.

5 So we're moving forwards in time here to 2003. Data  
6 had been omitted, it was discovered in 2003, in response  
7 to three requests -- and you give the numbers -- related  
8 to Forest Gate, and one request related to Urmston, and  
9 that is in July and December 2003, respectively, yes?

10 **A.** Yes.

11 **Q.** Essentially, you go on to describe a series of operator  
12 errors that occurred when the operator was seeking to  
13 recover data from those two branches in respect of those  
14 four ARQs?

15 **A.** Yes.

16 **Q.** If we go forwards to pages 34 and 35, in paragraph 72  
17 you explain the explanation given to the Post Office at  
18 the time of the cause of the omissions, yes?

19 **A.** Yes.

20 **Q.** I should have said a moment ago that these omissions  
21 were picked up by a change in personnel, is that right,  
22 who was going to attend court? So the person that had  
23 originally conducted those four ARQs couldn't attend  
24 court. A new Fujitsu employee was bought in to attend  
25 court, Penny Thomas, I think, and she reran --

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1 information was "That a BM stock unit had a gain of  
2 £465.73" which "did not go to local suspense". When the  
3 stock unit rolled over, the local suspense was cleared  
4 and the gain was not accounted for. The value of the  
5 gain was shown on the trading position line on the  
6 branches trading statement. The trading position line  
7 "should always show zero".

8 Now, in the following paragraphs, 76 to 109, you set  
9 out the history of this Riposte lock event, which that  
10 that effect there, and how it was first identified by  
11 Fujitsu in 2007, and then extensively considered during  
12 2008, during a series of calls, emails and meetings  
13 culminating in an internal email and presentation to  
14 Fujitsu employees on 17 December 2008. So if we go  
15 forward to paragraph 110, please, which is at the foot  
16 of page 49, this is about when the Post Office were  
17 told.

18 "On 7 January 2009 a Fujitsu employee notified Sue  
19 Lowther of Post Office and David Gray of Post Office  
20 about the 2008 ARQ issue via email. Ms Warham provided  
21 a summary of the 2008 ARQ issue and similar terms to  
22 that set out in a proposed witness statement, which  
23 we've previously narrated, and the "various steps that  
24 should be taken by Fujitsu and Post Office to address  
25 the issue, including", and then you set them out between

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1 **A.** Yes, that's correct.

2 **Q.** -- the four ARQs and found that there was missing data?

3 **A.** Correct.

4 **Q.** So, essentially, that was by chance?

5 **A.** Yes.

6 **Q.** If the original Fujitsu employee had been able to attend  
7 court, this wouldn't have been discovered.

8 Then we go forward to the conclusion on page 35,  
9 paragraph 74. Mr Mitchell provided a witness statement  
10 in relation to the two branches and he concluded that  
11 the omissions made in the data provided by Ms Lowther  
12 (that's Neneh Lowther, the first person, the one who  
13 turn up at court) had not been provided in the data  
14 provided by Penny Thomas and that the latter data was  
15 complete in accordance with the original ARQ.

16 **A.** Yes.

17 **Q.** So that's a case where it was revealed and revealed in  
18 a witness statement?

19 **A.** Yes.

20 **Q.** The third problem, please. The Riposte lock event of  
21 2008. You describe this at the foot of the page,  
22 page 75. We're moving forwards now to December 2007.  
23 An incident was reported by a branch to the Network  
24 Business Support Centre, that's a POL operation. It was  
25 recorded in a PEAK and referred to Fujitsu. The

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1 (a) and (e).

2 **A.** Yes.

3 **Q.** Given it was clear to Fujitsu in 2008, throughout the  
4 course of 2008, remembering the incident had first been  
5 notified in December 2007, that the Riposte lock was  
6 an issue capable of impacting on criminal and civil  
7 litigation, for which ARQ data was being requested and  
8 provided, do the papers that you've read or the  
9 briefings you've received reveal why Fujitsu didn't  
10 alert the Post Office to the issue immediately --

11 **A.** No.

12 **Q.** -- and not seemingly, for the first time, until  
13 7 January 2009?

14 **A.** So the evidence we've got is that it was delayed and  
15 I don't know why.

16 **Q.** The papers don't reveal why?

17 **A.** No.

18 **Q.** Would you agree that, as the issue was one which was  
19 capable of impacting on criminal and civil proceedings,  
20 as is later recognised, it ought to have been notified  
21 to the Post Office promptly?

22 **A.** Yes.

23 **Q.** Can we just look, please, at the email that you refer to  
24 here in paragraph 110. If we just go back, please. At  
25 the foot of the page, you refer to the email on

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1 7 January, Ms Warham notified Sue Lowther via an email,  
2 and it's your footnote 175.

3 Can we look, please, at FUJ00155399. It's the Wendy  
4 Warham email at 10.46, the bottom two-thirds of the  
5 page, thank you:

6 "... I have left you a voicemail as I need to update  
7 you on a recent issue that has occurred and has been  
8 resolved but does have some short-term impacts."

9 Would you agree that's being presented by Fujitsu as  
10 an issue that's already been solved and fixed. It's  
11 only recently arisen, "a recent issue"?

12 **A.** Well, that's exactly what it says.

13 **Q.** Whereas, in fact, this dated from December 2007, didn't  
14 it?

15 **A.** In the earlier -- where we saw the problem, yes, it did.

16 **Q.** Going back to your paragraph 111, please, which is on  
17 page 50 of your witness statement, you say:

18 "... Ms Thomas forwarded Ms Warham's [witness  
19 statement] to Dave Posnett [in Post Office] attaching  
20 the proposed witness statement."

21 Can we just look at that witness statement please,  
22 it's FUJ00122604. This is the draft witness statement  
23 that it's proposed by Fujitsu is going to explain, in  
24 any court proceedings, the Riposte lock event. Can we  
25 just look at page 7, please. At the top of the page, so

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1 **A.** Because it lasted longer?

2 **Q.** Yes, well, the fix in November '08 is about monitoring  
3 the event after that time. What's overlooked is the  
4 operation of the event from December '07 until November  
5 '08.

6 **A.** Before, yes, I agree. But in paragraph 1.10 I thought,  
7 Mr Beer, Ms Warham laid out going back and checking some  
8 other factors before, which I thought was the --  
9 point A.

10 **Q.** Yes, checking ARQs to confirm data integrity in the  
11 period May '07 to November '08.

12 **A.** Yes, yeah. Now, what I don't know is whether that took  
13 place, which I think is what you're --

14 **Q.** And, if it did, whether it ever got reflected in the  
15 witness statement?

16 **A.** Yes.

17 **Q.** Because we know what happened is it was decided, in the  
18 event, not to reveal any of this in a witness statement?

19 **A.** Correct, the advice -- well, you might be going to  
20 this -- was to remove those two paragraphs.

21 **Q.** The Post Office lawyer's view, Rob Wilson's view, was  
22 that wasn't necessary to give disclosure of this  
23 incident but he said, "if we're sure that there have  
24 been no other incidents". Do you know what steps were  
25 taken to determine whether there had been any other

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1 if we can look at the top half:

2 "In December 2007 an occurrence was reported in one  
3 office ... This led to a previously unseen database lock  
4 where an administrative balancing transaction failed to  
5 be written to the local message store database. This  
6 generated a generic and non-specific software error ...

7 A financial imbalance was evident and was subject to  
8 investigation by [Fujitsu] and Post Office. The  
9 financial imbalance has been resolved.

10 "A software correction was applied across the estate  
11 in early November '08 to ensure that any such event  
12 generated would be monitored. Testing of the correction  
13 has established that the unmonitored error does not  
14 occur elsewhere in the system."

15 It's proposed by this witness statement, would you  
16 agree, to summarise the issue by offering reassurance  
17 that testing confirmed that the issue did not occur  
18 elsewhere in the system?

19 **A.** Yes, that's what it's trying to do. Yes.

20 **Q.** So, effectively, reassuring the Post Office that this  
21 was an isolated incident, not affecting any other case  
22 in which ARQ data had been supplied?

23 **A.** That would be the inference from this, yes.

24 **Q.** That's not accurate, is it, on the information that you  
25 have been provided with?

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1 "incidents", as he called them?

2 **A.** No, I don't.

3 **Q.** Are you aware overall of the provision by Fujitsu of  
4 information of the outcome of any investigation as to  
5 whether the 2008 data lock had affected any other ARQs?

6 **A.** So I thought there was -- it may not have been this  
7 particular problem but I think there is something later  
8 on in our answers around having checked a number of ARQs  
9 where problems had been presented or not. I think in  
10 the case of this 2008 one, I do not know whether  
11 previous ARQ material had been checked against that  
12 problem.

13 **Q.** What about, irrespective of ARQ data, whether data had  
14 been checked in that period to see whether the Riposte  
15 lock had afflicted the integrity of that data?

16 **A.** I'm unaware of any other checks that had taken place.

17 **Q.** We do have an email, if we can look at that please,  
18 FUJ00155421. Thank you. This is February, it's the  
19 second email on the page, 2009, from Penny Thomas.

20 Just scroll up, please, to Dave Posnett in Post  
21 Office:

22 "... analysis of the data covering [May '07 to end  
23 November '08] has been completed."

24 Second line, next paragraph: 27 instances of concern  
25 were identified, they have been fully analysed. We can

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1 confirm that the locking was caused by contention  
2 between the end of day process and a Riposte checkpoint  
3 being written. No transactions or balancing activities  
4 were affected.

5 So I think that answers the first point that we were  
6 looking at, whether there had been a back check over  
7 that relevant period.

8 **A.** Yes.

9 **Q.** But that's in relation to 195 ARQs; it's not in relation  
10 to data that hadn't been the subject of an ARQ?

11 **A.** Correct, and that's what I was referring to, Mr Beer.  
12 I said I thought that we had -- there had been some  
13 analysis back then, going back to the ARQs that had been  
14 submitted.

15 **Q.** Could we turn to the duplicate transactions issue, which  
16 is problem number 4. This is paragraph 118 of your  
17 witness statement, which is on page 54. You tell us in  
18 117:

19 "The Inquiry [as indeed we did] has asked for  
20 details of the Duplicate Transactions incident, first  
21 identified in 2010 [and] recurrences of [it] in 2014 and  
22 2016."

23 You describe what the incident was, in paragraph 118  
24 onwards. I'm not going to rehearse that; it's quite  
25 straightforward.

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1 **A.** Yes.

2 **Q.** Have your investigations and your briefings in the  
3 documents you've read revealed to you whether the  
4 statements provided by the Fujitsu witnesses in relation  
5 to data afflicted by the duplication issue are true and  
6 accurate?

7 **A.** So I think we've got an example in here. I find,  
8 personally, the language very convoluted, rather than  
9 being very, very clear, but there was -- there is  
10 a statement in the witness evidence trying to describe  
11 what had happened with the audit.

12 **Q.** But your reading of the material, is this right, is  
13 that, as far as Fujitsu was concerned, the ARQ data  
14 could continue to be relied upon, so long as the  
15 workaround had been deployed?

16 **A.** Yes.

17 **Q.** Therefore, it was reasonable for the Post Office to  
18 continue to rely on those data?

19 **A.** That would have been my understanding of it, yes.

20 **Q.** Can I turn to issue 5, please, historic gaps in the ARQ  
21 data. You deal with this in paragraph 153. I think  
22 this is new material -- sorry, it's on page 73. This is  
23 new material for the Inquiry, so it wasn't something  
24 that we were asking Fujitsu about that we already knew  
25 from reading the primary material. This is a voluntary

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1 If we go forwards to 131, please, which is on  
2 page 61. You indicate in paragraph 131 that Post Office  
3 were informed about the incident on 30 June 2010.

4 **A.** Yes.

5 **Q.** I'm going to summarise the relevant email. It stated  
6 that Fujitsu had identified the affected ARQs. It had  
7 already developed a workaround and the workaround would  
8 enable anyone looking at ARQ data to identify the  
9 duplicate transactions and ensure that they weren't  
10 brought into account.

11 **A.** Yes.

12 **Q.** Presumably, the idea of that is to reassure the Post  
13 Office that the data still had integrity, if you used  
14 the workaround, you could still rely on the data?

15 **A.** Yes.

16 **Q.** If we go forwards, please, to paragraph 137 of your  
17 witness statement, which is on page 64. Between 137 and  
18 140, you refer to the fact that the Post Office  
19 requested a witness statement to explain the issue and  
20 the workaround.

21 **A.** Yes.

22 **Q.** I'm summarising.

23 **A.** Yes, sorry, yes.

24 **Q.** And that, subsequently, Fujitsu provided such a witness  
25 statement?

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1 revelation:

2 "... Fujitsu has identified a small number of  
3 documents in relation to this topic ..."

4 You describe what happened from paragraph 154  
5 onwards. Is it right, in relation to this incident,  
6 that there had not been revelation to the Post Office or  
7 was it essentially addressed in the course of meetings?

8 **A.** The way I understand what the emails were saying, which  
9 is towards the end of that paragraph, Mr Gauntlett was  
10 asked to write up and communicate to (*unclear*) in  
11 meetings, so exactly to the point you've just made.

12 **Q.** Then, lastly, please, if we can look at incident  
13 number 6., bottom of page 78:

14 "In addition to the five other issues ...

15 I understand that Fujitsu disclosed to the Inquiry 102  
16 documents from its PEAK, PinICL and Known Error Log  
17 databases ... These have been identified ... as records  
18 of incidents referring to the ARQ process in the context  
19 of court proceedings."

20 Over the page:

21 "Many of these documents relate to system changes  
22 and support issues ... However, there are certain PEAKs  
23 set out below that could be relevant to the issue of ARQ  
24 reliability."

25 But in the course of time available those eight --

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1 I think there are in total -- PEAKs haven't been  
 2 analysed; is that right?  
 3 **A.** Correct.  
 4 **Q.** Does that remain the case?  
 5 **A.** Yes. As far as I know, Mr Beer. As far as I know, yes  
 6 it does.  
 7 **Q.** Thank you. That can come down.  
 8 Would you agree that that collection of six  
 9 incidents presents a rather sorry tale of the  
 10 reliability of ARQ data?  
 11 **A.** Yes, it does. There were many, as is the evidence we've  
 12 just been through, many bugs and errors throughout of  
 13 the time with the Horizon system in all three of its --  
 14 or certainly in its first two incarnations. So, yes,  
 15 I would agree with you.  
 16 **Q.** That is within of the three building blocks you've used  
 17 to reach the conclusion that you have in paragraph 19 --  
 18 **A.** Yes, it is.  
 19 **Q.** -- that ARQ data ought not to have been relied upon and  
 20 presented as being an accurate and complete record of  
 21 the health of the transactions conducted by  
 22 a subpostmaster at his or her branch?  
 23 **A.** Agreed, and I would expand it slightly to say, I think,  
 24 just for the overall health of the system, which I think  
 25 was one of the earlier questions, I think for the

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1 referring to, which I have --  
 2 **Q.** "Afterthoughts" document?  
 3 **A.** Forgive me?  
 4 **Q.** It's called "Afterthoughts".  
 5 **A.** "Afterthoughts", yes. So I have read that document.  
 6 **Q.** Can we look at that please, FUJ00152299. Can we see  
 7 from the second page at the foot, it's signed off by  
 8 Mrs Chambers on 29 January 2007. If we go back to  
 9 page 1, she deals with four topics: the initial approach  
 10 to SSC staff, the review of the technical evidence that  
 11 had been undertaken before she was called to give  
 12 evidence; the disclosure of evidence into the  
 13 proceedings; and accessing Helpdesk calls.  
 14 Before we gave this to you recently, was this  
 15 a document you were aware of?  
 16 **A.** No.  
 17 **Q.** If I just refamiliarise you with it before I ask some  
 18 questions. She says in summer 2006 she was asked by the  
 19 Security Manager whether she would be prepared to speak  
 20 to a solicitor about a call she'd dealt with in 2004.  
 21 Her initial response was this wasn't normal process:  
 22 "... he reassured me that it was more or less  
 23 a formality so somewhat reluctantly [she] agreed.  
 24 "Subsequently, before meeting with the solicitor, he  
 25 asked me what [her] availability was in the autumn for

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1 subpostmaster that data on its own is not sufficient.  
 2 **Q.** Are you aware of an experienced Fujitsu employee from  
 3 the SSC being required to give evidence in court in  
 4 2006, Anne Chambers, and writing after the event  
 5 a document that sought to ensure that problems that she  
 6 had encountered --  
 7 I'll just stop there. Sir, you've disappeared from  
 8 the screen. Can I check that that does not mean that  
 9 you are not connected?  
 10 **SIR WYN WILLIAMS:** I'm still here and I am able to view  
 11 everything that's going on in the hearing, so it's --  
 12 **MR BEER:** It's only us that's losing out?  
 13 **SIR WYN WILLIAMS:** Yes.  
 14 **MR BEER:** I'll continue with the --  
 15 **SIR WYN WILLIAMS:** Good way of putting it, Mr Beer.  
 16 **MR BEER:** I'll continue with the question.  
 17 I was asking you about Anne Chambers giving evidence  
 18 in civil proceedings, the Lee Castleton civil  
 19 proceedings, in 2006.  
 20 Were you aware of her preparing a document about  
 21 problems that had arisen in the course of preparation  
 22 for and the act of giving evidence in those civil  
 23 proceedings?  
 24 **A.** So in the pack there is -- it's one of the -- in the  
 25 supplementary pack there is her document that you're

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1 the court case. This was the first mention there was of  
 2 any possibility of going to court. Repeated  
 3 reassurances that this would all be settled before  
 4 getting court proved to be unfounded.  
 5 "... there may be circumstances where witnesses are  
 6 summoned and have no option but to comply, but I was not  
 7 at all happy about to be how this was handled."  
 8 At this time, are you aware of, within Fujitsu, how  
 9 approaches to witnesses to provide either evidence of  
 10 fact or expert evidence were supposed to be handled?  
 11 **A.** So I only know what I've seen in my document because  
 12 I wasn't there at the time.  
 13 **Q.** Yes.  
 14 **A.** As someone in my position now, I'm surprised that that  
 15 was even taking place, where there was a direct  
 16 connection between a member of staff and a solicitor  
 17 representing a subpostmaster.  
 18 **Q.** No, it's a solicitor representing the Post Office.  
 19 **A.** Sorry, yes, representing the Post Office. I am  
 20 surprised that that was even part of the day-to-day  
 21 working.  
 22 **Q.** Her second issue, "Review of technical evidence":  
 23 "When I took the initial call in February 2004 ..."  
 24 What she's referring to here is when she was doing  
 25 her day-to-day work in the third line support, she took

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1 a call and she administered it on the relevant PEAK:

2 "I spent only a few hours on it before deciding that  
3 I could not see any sign of a system problem. I looked  
4 only at a couple of weeks' information.

5 "While in this case I am now sure that I did not  
6 miss anything, and my initial analysis was correct, I am  
7 concerned that there was no technical review of the  
8 Horizon evidence between the original call and the case  
9 going to court. It is probable that any system problem  
10 affecting the accounts would have shown up to Post  
11 Office staff who did check the figures very carefully,  
12 but since the postmaster was blaming the system for the  
13 losses I think it would have been sensible to have  
14 double-checked this within Fujitsu before it got as far  
15 as court. I was certainly concerned, in the early  
16 stages, that there might be something I had missed."

17 Just stopping there, she's making a suggestion that  
18 in investigation or prosecution or in civil cases, one  
19 doesn't just, before taking action against the  
20 subpostmaster, rely on what was done back in the day;  
21 there's a recheck done. To your knowledge, was what she  
22 suggested there ever implemented?

23 **A.** From my knowledge, no, it wasn't, and I think her  
24 suggestions are very, very important. These are serious  
25 matters which isn't just ticking a box, and I think the

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1 was drawn between a person providing a witness statement  
2 of fact and a person being called to provide expert  
3 evidence but that document did not precisely delineate  
4 the difference between them --

5 **A.** No, it did not.

6 **Q.** -- and it didn't explain to Fujitsu staff the boundaries  
7 of each and the additional duties that apply if one is  
8 giving expert evidence?

9 **A.** Agreed, Mr Beer, agreed.

10 **Q.** Her third point, "Disclosure of evidence":

11 "Fujitsu made a major legal blunder by not  
12 disclosing all of the relevant evidence that was in  
13 existence. I found myself in the invidious position of  
14 being aware that some information (Tivoli event logs)  
15 existed, but not sure whether they had been disclosed or  
16 not, since I had not been party to any of the requests  
17 for disclosure. It came evident in court that they had  
18 not been disclosed".

19 She quotes from an email from the Post Office's  
20 solicitor after the revelation and then, scrolling down:

21 "This suggested that the disclosure of the message  
22 store itself was an afterthought, though it is  
23 fundamental to the system."

24 I think that reflects something you have told us  
25 already?

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1 point she's making here is that, given the seriousness  
2 of it, further analysis should have been done to make  
3 sure it was correct and all the data was correct.

4 **Q.** "Once in court [she continues], I found myself being  
5 treated as an expert witness and answering a wide  
6 variety of questions about the system, although  
7 nominally I was a witness of fact and my witness  
8 statement covered just the investigation done in 2004.  
9 Fortunately I do have extensive knowledge of the system  
10 and was able to fulfil the wider role -- but what would  
11 have happened if the initial call had been handled by  
12 a less experienced SSC person?

13 "If there is a similar case in future, where the  
14 system is being blamed, would it not be sensible to have  
15 a technical review of all of the evidence, at the first  
16 indication that a case may be going to court? Someone  
17 involved in that review would then be well placed to  
18 give evidence in court."

19 I think you'll agree, again, that's a very sensible  
20 recommendation.

21 **A.** A very sensible recommendation and I've learnt, in  
22 preparation for the Inquiry, the change -- the term  
23 "expert" and "witness of fact", which is very, very  
24 important.

25 **Q.** We saw in the 2005 process document that a distinction  
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1 **A.** Yes.

2 **Q.** "I know that for fraud cases the 'transaction log' and  
3 'event log' are extracted from the full message store  
4 and submitted, but surely the full message store has to  
5 be disclosed in all cases?

6 "Many other files are also archived to the audit  
7 server as a matter of course and could hold relevant  
8 information, although the Security Team are not  
9 necessarily aware of their existence or potential  
10 relevance. I'd like to suggest that a list of these  
11 files is compiled so that similar mistakes are not made  
12 in the future."

13 Again, sensible recommendation, you'd agree?

14 **A.** I would agree and, when I read this, I was -- sadly,  
15 again, a word I've used before -- appalled that we have  
16 a solicitor writing to a member of staff pointing out  
17 obligations and I think, as we've already discussed in  
18 evidence, the material needed -- rightly needed by the  
19 subpostmaster needed to be far more comprehensive, which  
20 is what Mrs Chambers is alluding to here.

21 **Q.** It's essentially a 2007 reflection of some of the points  
22 that you make in paragraph 19 of your witness statement  
23 17 years later?

24 **A.** Yes, it is, Mr Beer.

25 **Q.** "And what about calls on PEAK, which may have evidence  
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1 attached? And any evidence which may have been kept  
2 within the SSC? I was not asked whether I had anything  
3 that might have been relevant ..."

4 As it happens, she didn't:

5 "Of course there may be subtleties to this that I am  
6 unaware of, whereby data may exist but there is no  
7 obligation to disclose it. If this is the case, could  
8 any future witnesses be briefed appropriately? The  
9 response 'no one has ever asked for that before' does  
10 not seem to be a good reason for non-disclosure."

11 I think you would agree with those sentiments?

12 **A.** I would agree with those sentiments, yes.

13 **Q.** Lastly, "Helpdesk calls", her fourth issue:

14 "The case highlighted a common problem, both in 2004  
15 and now. The postmaster raised many calls about his  
16 continuing losses, both with Horizon and with the NBSC.  
17 These kept being bounced and it took weeks before a call  
18 was passed to SSC."

19 We've heard a lot of evidence about this,  
20 a merry-go-round as between the NBSC and the Helpdesk:

21 "Strictly speaking, problems with discrepancies do  
22 need to be investigated by NBSC in the first instance,  
23 but where there are continuing unresolved problems it  
24 should be possible to get the issue investigated  
25 properly, and one of the Helpdesks should be prepared to

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1 on with business as usual.

2 **A.** Well, that's wrong, Mr Beer. That's wrong.

3 **Q.** If that evidence is accurate and nothing was done in  
4 relation to each of these four issues, would you agree  
5 that this is a series of missed opportunities?

6 **A.** I would agree it is a series of missed opportunities.

7 **MR BEER:** Thank you very much.

8 Mr Patterson, they're the only questions that I wish  
9 to ask you today. As I've said already, there will be  
10 more extensive questions of you on a broader range of  
11 issues when you come back to give evidence later in the  
12 year. But thank you very much.

13 I don't know whether there are any questions from  
14 representatives. I think there are, sir, so might that  
15 be an appropriate moment to break until 2.00 pm?

16 **SIR WYN WILLIAMS:** Yes, certainly.

17 **MR BEER:** Thank you, sir.

18 (1.00 pm)

(The Short Adjournment)

20 (2.04 pm)

21 **MR BEER:** So first, it's Mr Stein.

**Questioned by MR STEIN**

23 **MR STEIN:** Mr Patterson, my name is Sam Stein, I appear on  
24 behalf of many subpostmasters and mistresses and I'm  
25 instructed by a firm of solicitors called Howe+Co.

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1 take responsibility ... Personally I think ... the  
2 Horizon Helpdesk is penalised for passing 'Advice and  
3 Guidance' type calls on to third line [because this]  
4 leads to do many calls being closed without proper  
5 investigation or resolution. This is very frustrating  
6 for postmasters, though possibly not an issue of concern  
7 to [the Post Office]."

8 Again, sensible and reasonable advice about  
9 an earlier escalation within the tiers of the Helpdesk  
10 system?

11 **A.** Yes, I think Ms Chambers has made many -- several points  
12 in this document which are very sensible, and I think  
13 for a subpostmaster who is constantly calling up for  
14 problems, for that not to be flagged as to needs  
15 an intervention and a proper intervention, not just  
16 passed around, it was wrong.

17 **Q.** So would you agree, overall, that this document lists  
18 a series of opportunities, each of which was missed by  
19 Fujitsu?

20 **A.** I don't know what action was taken from this but, as  
21 I said a moment ago to you, I am unaware of whether this  
22 is -- did it go into day-to-day operations or not?

23 **Q.** We've heard evidence that the response to this from  
24 Mrs Chambers' manager was essentially a pat on the head  
25 and said, "Thank you very much", and then they carried

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1 Now, online we can see that Fujitsu publishes its  
2 purpose, which is to "build trust in society through  
3 innovation". Do you agree that, instead, the  
4 combination of Fujitsu and the Post Office's creation of  
5 this scandal has damaged trust in innovation within  
6 society?

7 **A.** I think the history of this appalling miscarriage,  
8 Mr Stein, would tend to point to, yes, trust has been  
9 broken in technology and how technology is used and not  
10 used. It has tested us all.

11 **Q.** Mr Patterson, you've explained this week and today that  
12 Fujitsu is committed to engaging with government to  
13 provide a suitable contribution and redress to  
14 subpostmasters and their families. Within this Inquiry,  
15 the question of how compensation is being dealt with has  
16 been described variously. We've put it as being  
17 a "scandal within a scandal".

18 Will you commit to making sure that what Fujitsu  
19 does regarding its own offer to put money into the  
20 Government's pot to assist with compensation does not  
21 delay or sidetrack the efforts to secure proper  
22 compensation for subpostmasters and mistresses.

23 **A.** Mr Stein, yes, I can commit to that and I think the way  
24 that we've tried to engage with the Inquiry and engage  
25 with Government shows that we are very committed to

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1 finding the truth, and we will do nothing -- nothing --  
 2 to delay that.  
 3 **Q.** Now, you're aware, Mr Patterson, that subpostmasters,  
 4 mistresses, managers, people who worked in the branches,  
 5 their lives and families' lives have been ruined,  
 6 devastated by the decades of this scandal. Those people  
 7 that we represent have lived through the Great Post  
 8 Office Cover-Up, the Second Sight investigation, Second  
 9 Sight and what happened in relation to their reports,  
 10 the time that the brave 555 subpostmasters took on the  
 11 Post Office at the High Court and exposed the corruption  
 12 within the heart of this scandal, and then the criminal  
 13 Court of Appeals, and now, of course, they're living  
 14 through the Post Office Inquiry.

15 Help us understand, Mr Patterson, why did it take so  
 16 long for Fujitsu to decide it had a moral obligation to  
 17 put its hands in its pockets and provide money, not just  
 18 apologies?

19 **A.** As you said in your comments, this is a decades-old  
 20 miscarriage, which started a long, long time ago and  
 21 involves many, many people and organisations in that.  
 22 I think Fujitsu, more recently, as we have understood  
 23 more, we have clearly let society down and the  
 24 subpostmasters down. I think we had our obligations to  
 25 the Post Office to be at the front of everything we were

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1 say those things.

2 **Q.** Have you met a single subpostmaster?

3 **A.** No, I have not, Mr Stein.

4 **Q.** Will you commit today to meeting with subpostmasters,  
 5 their legal representatives, Howe+Co, the firm that has  
 6 instructed me in relation to this matter, and discussing  
 7 with them the way forward that Fujitsu can assist in  
 8 seeking to show that Fujitsu means what it says by its  
 9 apology and by its commitment to provide financial  
 10 redress?

11 **A.** Mr Stein, I have not met any subpostmasters in the past  
 12 because I didn't feel it was appropriate for me to do  
 13 that. If that is a request from the subpostmasters and  
 14 their representation, I will absolutely do that and  
 15 I will sit down there with my colleagues, as you've just  
 16 said.

17 **Q.** You're aware that the effect of this scandal upon  
 18 subpostmasters was very much felt by their families, by  
 19 their loved ones, by their partners, by their children.  
 20 This devastated not only the subpostmasters' individual  
 21 lives but everyone around them. Subpostmasters, because  
 22 they could not see what was going on, would sometimes  
 23 blame their own partners or their employees, and the  
 24 effect, therefore, of this scandal is much more  
 25 widespread than on the subpostmasters themselves, whose

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1 doing and that was wrong, and I think, subsequently,  
 2 we've now seen where the evidence has taken us and the  
 3 investigation has taken us, and that's why you have had  
 4 the statements from Fujitsu more recently.

5 I can't comment on the past, Mr Stein. I don't know  
 6 why things weren't done in 1999 or 2005. I don't know.  
 7 But what I can say is that, as long as I'm here and  
 8 doing what I'm doing, I'm going to do everything to make  
 9 sure we get to the truth.

10 **Q.** But, Mr Patterson, that's not quite true, is it?  
 11 Fujitsu's commitment, what it now appears to accept via  
 12 you, a moral obligation to pay up, that's only been most  
 13 recently expressed by you, whereas the apology from  
 14 Fujitsu has been expressed in the opening stages of this  
 15 Inquiry, in your statements to this Inquiry. Why has it  
 16 taken so long for Fujitsu to own up to the fact it needs  
 17 to put its hand in its billion-pound pockets and pay  
 18 something towards compensation; why so long?

19 **A.** Mr Stein, I don't know the answer to that question.  
 20 I can only tell you my honest view today, which is we  
 21 have come to this conclusion, as we've gone through the  
 22 Inquiry and gathered our evidence and considered our  
 23 moral obligations to the victims of this crime, and that  
 24 is why you have heard what I've said most recently.  
 25 Again, I can't -- I don't know why in the past we didn't

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1 lives sometimes have been terminated by this scandal.

2 Will Fujitsu commit to providing funds, in  
 3 recompense for all of those hurts to others outside of  
 4 subpostmasters and the compensation scheme, in other  
 5 words financial redress to support others that have been  
 6 affected? You may want to think that what could be done  
 7 by Fujitsu is supporting people in the future,  
 8 subpostmasters in future, entrepreneurial endeavours  
 9 their families in such or in education. Will Fujitsu  
 10 consider that type of support?

11 **A.** Mr Stein, the Inquiry and the exploration of the history  
 12 of all of this is getting a great deal of attention and  
 13 support from us. Our company here in the UK has many  
 14 things in society around the country, around the UK.  
 15 I think the suggestion that you've just made, and  
 16 clearly in a conversation, if I was to be able to engage  
 17 in that with subpostmasters and their representation --  
 18 their representatives, would be absolutely something we  
 19 would like to consider.

20 I think skills in our country, without jumping too  
 21 far, is very important and I think there are things that  
 22 we can do in our technology world that may or may not be  
 23 of help to subpostmasters and their associated families.

24 So I would engage in that conversation, Mr Stein.  
 25 I can't promise the outcome of that but I would engage

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1 in it in the right way.

2 **Q.** Do you agree that a restorative justice process for  
3 subpostmasters, their families, their loved ones and  
4 everyone affected should include making sure that  
5 Fujitsu does what it can to put those people back into  
6 their rightful place within their own communities,  
7 restoring the trust and the honour that they have lost  
8 through this process?

9 **A.** Mr Stein, we are completely -- the company is completely  
10 committed to doing that through the Inquiry and my  
11 comments to the Select Committee and to Government.  
12 There are many parties involved in this and we have  
13 a part to play in that, and we will do everything we can  
14 do to address those wrongs in whatever way we can.

15 **Q.** Mr Patterson, sitting to my left is Mr Enright, one of  
16 the partners at Howe+Co solicitors. He is available  
17 today for you to speak to. Can you make time to speak  
18 with him, to start that conversation with him today?

19 **A.** So, Mr Stein, we'll finish at whatever time we finish  
20 today and I will be welcome to exchange contact details  
21 at least with Mr -- from Howe+Co.

22 **Q.** Mr Enright?

23 **A.** Forgive me, Mr Enright. More -- time -- I don't know  
24 when we're going to finish but would I be willing?  
25 Absolutely, Mr Enright, and we can exchange our cards

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1 more technical in nature. Are you in a position to  
2 explain or provide any information as to whether or not  
3 the Post Office, in fact, agreed the parameters of the  
4 ARQ return? Do you understand my question?

5 **A.** I think I do, Ms Dobbin. In my evidence today and  
6 I think previously, there's a very clear document that  
7 says what the material should be -- what the parameters,  
8 forgive me, inside an ARQ need to be and that was  
9 something that came from the Post Office to Fujitsu.

10 **Q.** Thank you. Do you happen to know why Post Office wanted  
11 that type of information or applied that criteria to  
12 what they wanted when they made an ARQ request?

13 **A.** Not all the time. I think in the flowchart we saw  
14 earlier, some of it would have been for prosecutory type  
15 support. I think, on the other side of that flowchart,  
16 was other reasons for ARQs and there could be a vast  
17 array of those, I'd imagine, that the Post Office  
18 criteria -- why the Post Office would request that.

19 **Q.** All right. So it sounds, Mr Patterson, as though that  
20 question might be directed better to someone else who  
21 might understand those parameters. But thank you.

22 When we look at some historic ARQ requests going  
23 back quite a long time, and I'm talking about the  
24 *pro forma* type form that you will have seen that Post  
25 Office sent, have you seen any of those?

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1 and we can have that conversation. Clearly, there are  
2 other people on Fujitsu's side who would need to be  
3 attending to that.

4 **Q.** You're probably aware, Mr Patterson, that some of our  
5 clients are here today. They may wish to speak to you  
6 or exchange details or set up meetings with you and,  
7 again, would you accept that that is something you will  
8 conduct, if possible, today but otherwise make  
9 arrangements with you and your team?

10 **A.** Mr Stein, I will talk to anybody at any juncture.  
11 I have a great deal of respect for the subpostmasters.  
12 I have no understanding because I've never gone through  
13 what they've personally gone through, and through our  
14 own team here and our representatives, more than happy  
15 to engage in that conversation. I have to say, I'm not  
16 sure today is the right time and the place for it, if  
17 you'll allow me, but I'll absolutely do that.

18 **MR STEIN:** Thank you, Mr Patterson.

19 **SIR WYN WILLIAMS:** Who is next?

20 **MR BEER:** Sir, I think Ms Dobbin has some questions.

21 **SIR WYN WILLIAMS:** Yes.

22 **Questioned by MS DOBBIN**

23 **MS DOBBIN:** Mr Patterson, I hope you can hear me.  
24 I represent Gareth Jenkins, my name is Clair Dobbin.  
25 I have a couple of questions for you, they're rather

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1 **A.** Yes, yes, they're in the exhibits, I believe.

2 **Q.** It's right, isn't it, that one of the things that Post  
3 Office could request in that was confirmation that there  
4 were no reported system malfunctions; is that correct?  
5 Have you seen that?

6 **A.** I think it is in the exhibit, if we could probably go to  
7 the exhibit. I think it shows a criteria.

8 **Q.** I'm not sure have the exhibit to hand. I've certainly  
9 got one that maybe I could use, unless Mr Beer does have  
10 the exhibit.

11 **MR BEER:** I think if we display FUJ00152562. That is  
12 an example one. I don't know whether that will suit  
13 Ms Dobbin's purpose.

14 **MS DOBBIN:** I'm very grateful to Mr Beer. So we have,  
15 I think this is a typical one, and -- no, this is  
16 a different type of one. If I perhaps can try another  
17 type, I think these may have changed over time,  
18 Mr Patterson. Can I just see if I can get one that  
19 I think has been seen before.

20 May I try and see if POL00054125 is on the system.  
21 It's not.

22 **MR BEER:** That'll be a no, it's not on the system.

23 **MS DOBBIN:** Can you take it from me, Mr Patterson, it's the  
24 ARQ request that was made in the case of Mrs Seema Misra  
25 and we see this in other ARQ requests made before that

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1 time in the standard form. Just to repeat, one of the  
 2 options that allowed the Post Office was to ask for  
 3 confirmation that there were no recorded system  
 4 malfunctions. I think you're not familiar with that,  
 5 I think --  
 6 **A.** No.  
 7 **Q.** -- from what you're saying.  
 8 **A.** Correct.  
 9 **Q.** If that's right, that obviously indicates, doesn't it,  
 10 that there was that option open to Post Office when  
 11 making or giving -- or when submitting an ARQ request?  
 12 **A.** Yes, if that was one of the options on the submission,  
 13 yes.  
 14 **Q.** Thank you.  
 15 I wanted to go, then, to your witness statement and,  
 16 again, Mr Patterson, if I'm asking you a question that's  
 17 beyond your knowledge, please do say. So if we go to  
 18 your witness statement at WITN06650300, and please may  
 19 we go to paragraph 102, page 47. Thank you.  
 20 Now, this is talking about changes that were brought  
 21 in in the context of Craigpark, and that's talking about  
 22 event messages.  
 23 **A.** Okay, yes.  
 24 **Q.** Have you had a chance to look at that?  
 25 **A.** Yes.

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1 involved in that conversation.  
 2 **Q.** So, in other words, the company would act as a sort of  
 3 interlocutor to be part of the dialogue with the  
 4 employee to make sure they understood what they were  
 5 doing and what was being asked of them?  
 6 **A.** Well, I think as Mr Beer asked me earlier, he had this  
 7 concept of expert witness and witness of fact. It's  
 8 very serious, and these were dealing with serious  
 9 matters. I did not feel, and clearly Ms Chambers didn't  
 10 feel the same, that it's just a conversation, and  
 11 I think it needed proper representation and engagement.  
 12 **Q.** Thank you. You also said, I think, that you were  
 13 horrified, or certainly taken aback, that she was being  
 14 contacted by a solicitor in order to deal with  
 15 disclosure as well?  
 16 **A.** Yes.  
 17 **Q.** Again, is that for the same reason: that it's really the  
 18 company that should be involved in that process?  
 19 **A.** Well, whether it's the company or not, I think  
 20 Ms Dobbin, my point is that these are such serious  
 21 matters for the case in front of the court and the  
 22 impact, potentially, on a subpostmaster, it needed to be  
 23 dealt with with the right professionals in the room  
 24 taking the right advice and looking at the conversation  
 25 of what was being asked of her in that particular case.

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1 **Q.** Then paragraph 103, please. This is talking about  
 2 a change proposal that was made in relation to the audit  
 3 system, and this is talking about the automatic  
 4 retrieval and recording of event data. As I've said,  
 5 please, if this is beyond your knowledge, please do say,  
 6 but is it right that the checking of NT events that that  
 7 started to become part of a routine process after the  
 8 Craigpark incident?  
 9 **A.** So, you're correct: I don't know.  
 10 **Q.** You don't know. All right. Will try someone else with  
 11 that. Thank you, Mr Patterson.  
 12 Then, finally, just this: when you were asked  
 13 questions about Anne Chambers and her experience at the  
 14 High Court, you said that you were horrified that she  
 15 was being contacted directly by a solicitor who was  
 16 acting for the Post Office and you appeared to be basing  
 17 that on your knowledge of how a corporation should work  
 18 and how it's employees should be involved in legal  
 19 proceedings; have I got that right?  
 20 **A.** So my concern was that any employee was involved in  
 21 a direct conversation with a legal representative  
 22 without representation from either our company or our  
 23 own legal representatives. It's such a serious  
 24 engagement, I felt it was not appropriate and, clearly,  
 25 Mrs Chambers didn't feel the same, for her just to be

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1 **Q.** Yes. To make sure it was understood --  
 2 **A.** Absolutely.  
 3 **Q.** -- that what she needed to do.  
 4 I'm grateful to you, Mr Patterson. Thank you.  
 5 **SIR WYN WILLIAMS:** Before anybody else asks a question, can  
 6 I just be clear about one of the answers you gave to  
 7 Ms Dobbin about the form upon which data, ARQ data, is  
 8 sought by the Post Office. Am I to understand that that  
 9 form is created by the Post Office without any input by  
 10 Fujitsu or is it a combined effort, or what? I'm not  
 11 quite sure where we are with that so I'd just like you  
 12 to tell me again, if you could.  
 13 **A.** Sir Wyn, I think the way I understood the question was  
 14 the form that is sent to Fujitsu requesting ARQ data --  
 15 Mr Beer showed one, Ms Dobbin I think was referring to  
 16 another version of it -- that is a document that would  
 17 have come from the Post Office to Fujitsu, I understand,  
 18 saying what criteria to apply. I think it had evolved  
 19 over time but it's a document from the Post Office to  
 20 Fujitsu.  
 21 **SIR WYN WILLIAMS:** I follow the trail, so to speak. It goes  
 22 from the Post Office to Fujitsu. My query is: who  
 23 created that document in the first place?  
 24 **A.** Oh, I don't know, sir.  
 25 **SIR WYN WILLIAMS:** You don't know. All right, thank you.

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1 **MR BEER:** Sir, before Ms Page asks her questions, I think  
 2 I can help on that on a limited extent, although it's  
 3 slightly out of order, because it's an issue that has  
 4 raised its head now by virtue of your question.  
 5 I wonder whether we could look at FUJ00001318.  
 6 That's the wrong reference. This is what happens when  
 7 you ask a question --  
 8 **SIR WYN WILLIAMS:** Well, I'll try to be quiet from now on,  
 9 Mr Beer!  
 10 **MR BEER:** No, I am going to retrieve the position.  
 11 FUJ00152209. This was the Fujitsu 2005 document.  
 12 **SIR WYN WILLIAMS:** Yes.  
 13 **MR BEER:** It was a procedure or a policy document,  
 14 interestingly dated -- we've seen some correspondence  
 15 about this in the course of today -- 29 February 2005.  
 16 2005 wasn't a leap year so it must have been misdated  
 17 but, that aside, it's excited lots of attention, we can  
 18 find an annex within this document --  
 19 **SIR WYN WILLIAMS:** Right, I see.  
 20 **MR BEER:** -- at page 28. Just like there was what I've  
 21 called a boilerplate witness statement, a template  
 22 witness statement, there was a template ARQ form earlier  
 23 in the policy document. It set out, when you're making  
 24 an ARQ -- or when the Post Office is making an ARQ  
 25 request, this is the document that it should use.

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1 **A.** I think that's a very material sum of money.  
 2 **Q.** So then there's that and then, on top of that, there  
 3 were charges for witnesses to appear in court and  
 4 provide their evidence. We understand, for example,  
 5 that in the trial of Tracy Felstead there was a charge  
 6 of £20,000 for a witness to attend court. It was never,  
 7 in fact, paid but that was the proposed sum of money.  
 8 Have you ever looked into or found out about how much  
 9 money Fujitsu charged for the services of Gareth  
 10 Jenkins, for example, as a witness over the years?  
 11 **A.** No, I have not.  
 12 **Q.** Would you accept that Litigation Support was a useful  
 13 cash cow for Fujitsu?  
 14 **A.** I was professionally very surprised that that service  
 15 even existed. We're meant to be an IT company not  
 16 a prosecution support service and, for that to be  
 17 designed in from the very earliest stages, I was very,  
 18 very surprised at it. And in terms of the work  
 19 associated with doing it, I have no view on it. I am  
 20 amazed that it was even in the contract.  
 21 **Q.** Are you saying, in effect, that this is not something  
 22 that Fujitsu was set up to do and not really something  
 23 that Fujitsu was skilled at or able to do properly?  
 24 **A.** So if I look at today, Ms Page, there is no contract  
 25 that I've never signed where that obligation and the

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1 **SIR WYN WILLIAMS:** Right, so, effectively, it's a Fujitsu  
 2 created document which the Post Office then sends to  
 3 Fujitsu to make its request?  
 4 **MR BEER:** Yes. The position, as Ms Dobbin has said, does  
 5 move on from this and we can explore with other  
 6 witnesses and by looking at other documents how the  
 7 amendments to this form were made, by whom and when.  
 8 **SIR WYN WILLIAMS:** But that's how it started, as a Fujitsu  
 9 created document?  
 10 **MR BEER:** Yes.  
 11 **SIR WYN WILLIAMS:** Fine. Thanks.  
 12 **MR BEER:** Thank you, sir, I hope that helps.  
 13 **SIR WYN WILLIAMS:** Yes, it does, thank you.  
 14 **MR BEER:** Ms Page, I think, was the last person who wished  
 15 to ask questions.  
 16 **SIR WYN WILLIAMS:** Over to you, Ms Page.  
 17 **Questioned by MS PAGE**  
 18 **MS PAGE:** Thank you, sir.  
 19 Mr Patterson, I appear for a number of postmasters,  
 20 including Mr Castleton and Mrs Misra. First of all, the  
 21 Inquiry has heard evidence that providing ARQ data to  
 22 the Post Office brought in £850,000 per annum, which is  
 23 obviously small beer in the grand scheme of things but,  
 24 nevertheless, would you agree a reasonably handy bit of  
 25 extra income?

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1 extent of that obligation sits inside it. I do not  
 2 understand why it was there. And, clearly, it was there  
 3 for -- and is still there, actually -- for a very, very  
 4 long time.  
 5 **Q.** As a result of that, and moving on to my next question,  
 6 we see the consequence, don't we, of that sort of  
 7 exceptional, and perhaps unprepared for, contractual  
 8 service because, as we know, Anne Chambers gave evidence  
 9 in less than ideal circumstances in the *Castleton* trial.  
 10 **A.** I agree.  
 11 **Q.** In that trial, Mr Justice Havery ruled that Horizon did  
 12 not cause the losses at Mr Castleton's branch and that  
 13 the Horizon shortfalls were "real deficiencies" caused  
 14 by mismanagement at Mr Castleton's branch. That was, in  
 15 essence, founded on Ms Chambers's evidence.  
 16 Do you agree that this blurring of the lines between  
 17 witness of fact and expert witness on the overall  
 18 system's health was what led to this wrongful judgment?  
 19 **A.** I don't know whether that led to it. As I said earlier  
 20 in my answers to Mr Beer, I have learned, in preparation  
 21 for this Inquiry, some of the differences between those  
 22 two roles, an expert and a matter of fact. I do not  
 23 believe, and Anne Chambers made it clear, that that was  
 24 understood by the Fujitsu employee either. I don't know  
 25 whether it directly led to that, I'm afraid, Ms Page.

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1 I don't have -- I'm not skilled to know that.

2 **Q.** Would you accept that it must have contributed

3 materially to it?

4 **A.** Well, I think all of that would have contributed

5 materially, and Ms Chambers was very clear --

6 Mrs Chambers was very clear about her view of that.

7 **Q.** Similarly, as part of that trial in the proceedings in

8 the run-up to it, one of the formal court statements of

9 case said "Fujitsu Services have looked at the Post

10 Office's computer system and have confirmed that the

11 losses were not caused by the Post Office's system's

12 software or hardware", and the Post Office solicitor

13 signed off on that with a statement of truth.

14 So, in other words, it was testifying to Fujitsu

15 examining the system and finding that the losses were

16 not caused by the system; do you know who at Fujitsu

17 would have/could have authorised that verbiage?

18 **A.** No, I don't.

19 **Q.** Will you find out?

20 **A.** Well, I have -- we have representation here and, if we

21 can find out, we will absolutely find out. As to my

22 earlier to the commitment to the Inquiry, we are delving

23 into all the areas of information that we've got and, if

24 it exists, we will find it. I'm afraid I don't know at

25 this present time the answer to your question, Ms Page.

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1 problems with the audit data?

2 **A.** So I'd agree with that. I think, as we discussed

3 earlier in evidence, the disclosure of all the things

4 that could or could not impact needed to be disclosed

5 and it is very evident in the witness statements that

6 that was edited out.

7 **Q.** Therefore, Seema Misra was not given the whole truth

8 about the audit data problems?

9 **A.** I think that's very clear.

10 **Q.** Do you think that this came about as the result of

11 pressure from above, on the likes of Mr Jenkins?

12 **A.** I really don't know, Ms Page, and I've got no evidence

13 before me that's been produced for me in my submission

14 today to the Inquiry that there was that, and I believe

15 in other phases there's more inquiry around governance,

16 and such matters.

17 **Q.** What has been done within Fujitsu to independently

18 verify the investigation and remediation of these

19 various audit data problems?

20 **A.** Just say --

21 **Q.** Well, has there been any external or independent effort

22 to investigate and remediate these problems?

23 **A.** I believe the current version of HNG-X or HNG, which is

24 HNG Everywhere, is substantially different to the

25 previous versions. I am unaware whether we've taken any

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1 **Q.** Turning, then, to the trial of Seema Misra, in your

2 statement you describe the duplicate data issue that

3 affected the ARQ data that was served in that trial. As

4 you say, Gareth Jenkins did actually provide a statement

5 about it, didn't he, and he let the Seema Misra defence

6 team know about that one issue.

7 **A.** I believe that is in the exhibits here as well and in

8 my -- in the evidence in the third corporate statement,

9 yes.

10 **Q.** Would you agree that, as a one-off incident, that wasn't

11 perhaps the most serious of the data integrity problems

12 but, as part of a series of data integrity problems, it

13 was more concerning?

14 **A.** I think all the data integrity problems are serious and,

15 earlier on today, we talked about the witness evidence

16 and the clauses in bringing all of those points to

17 disclosure for the subpostmaster and their

18 representatives. So I think all of those things,

19 whether it's one item or the other four or five that we

20 had discussed with Mr Beer.

21 **Q.** Well, what I'm touching on here is the fact that one

22 particular problem was disclosed and wrapped up in

23 a bow, as it were, "Here it is, here's the problem but

24 we've fixed it", and that that, in effect, sanitised the

25 situation because this was really one of a series of

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1 third-party advice to go and audit that system again and

2 the data that's in it and how it's discovered, Ms Page.

3 I would need to look -- I would need to take that one

4 away, as a question for the Inquiry.

5 **Q.** Thank you. Well, that would be helpful. Really,

6 perhaps broaden that out a little, has there ever been

7 any expert external investigation of the audit data

8 function?

9 **A.** I am unaware whether there has been.

10 **Q.** On a similar issue, has anyone been held internally

11 accountable for these audit data problems at any stage,

12 historically or more recently?

13 **A.** I am unaware of whether anybody has been and I think, in

14 our letter to the Select Committee back in 2020, we

15 undertook that if there were current employees who had

16 done some of these things in a way that was against our

17 policy, we would take disciplinary action against those

18 individuals. I am unaware, Ms Page, whether we have

19 found anybody along those lines.

20 **Q.** Going back more historically, then, you will know about

21 the problems with the EPOSS code, which were brought to

22 light by David McDonnell.

23 **A.** I am -- you'd need to give me more to go on, I'm afraid.

24 **Q.** This is going right back to the start, that there were

25 significant problems found with the EPOSS code and that

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1 they were, nevertheless -- it was a decision taken not  
 2 to rewrite and to allow the code to be monitored and  
 3 watched in operation in the live state. Is that not  
 4 ringing bells for you?  
 5 **A.** I remember a little bit on EPOSS, forgive me. I don't  
 6 know Mr McDonnell or the time frames around that, off  
 7 the top of my head.  
 8 **Q.** I think that probably answers my question, which, it  
 9 seems, anyway, that nobody in current leadership has  
 10 made the link or considered the link between the  
 11 failures in the EPOSS code and the failures in the audit  
 12 data that was being supplied through the Litigation  
 13 Support Service. Nobody in the current team has made  
 14 that link; is that a fair assumption?  
 15 **A.** I really don't know. I know what I know and I don't  
 16 know the particulars of that.  
 17 **Q.** All right.  
 18 **A.** We can -- certainly the team, we will take that one  
 19 away.  
 20 **Q.** Well, again, that sounds very helpful, Mr Patterson, and  
 21 certainly another -- again, another question arising  
 22 from that is the historic question: did nobody  
 23 historically make that pretty obvious connection between  
 24 very poor code going out into operation and then very  
 25 poor data coming out through the Litigation Support  
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1 status as a witness, which means that you can continue  
 2 having discussions with your team, et cetera, to answer  
 3 any questions which the Inquiry asks of you in the  
 4 future and to help you make any further witness  
 5 statements that are necessary. All right?  
 6 Normally, when a witness is to give further  
 7 evidence, there is an embargo on such discussions but  
 8 that's not practical in an Inquiry of this sort, so, as  
 9 I've said, you're free to speak to your team about all  
 10 relevant matters now.  
 11 **THE WITNESS:** Thank you.  
 12 **SIR WYN WILLIAMS:** All right.  
 13 So we're ready to start at 10.00 on Tuesday,  
 14 Mr Beer, is that it?  
 15 **MR BEER:** Yes, that's right, sir.  
 16 **SIR WYN WILLIAMS:** All right. See you then. Bye.  
 17 **MR BEER:** Thank you very much.  
 18 (2.40 pm)  
 19 (The hearing adjourned until 10.00 am  
 20 on Tuesday, 23rd January, 2024)  
 21  
 22  
 23  
 24  
 25

1 Service?  
 2 **A.** Whether people made that connection or not, what is very  
 3 evident, I think in our evidence today and in the  
 4 previous corporate statements, is that that connection  
 5 and understanding about what was going on and where was  
 6 it was understood by certainly Fujitsu and certainly  
 7 understood by Post Office, right back to 1999. It's all  
 8 about what you do with that information and I think  
 9 that's the key -- forgive me, that is a question for  
 10 this Inquiry, I know that you -- that the Inquiry is  
 11 testing.  
 12 **MS PAGE:** Yes. Thank you.  
 13 Thank you, sir.  
 14 **SIR WYN WILLIAMS:** I think I agree with you, Mr Patterson:  
 15 it is a key question.  
 16 Right, any other advocates wish to ask any  
 17 questions?  
 18 **MR BEER:** No, sir, there are not.  
 19 **SIR WYN WILLIAMS:** Well, thank you very much, Mr Patterson,  
 20 for coming to give oral evidence and, obviously, at  
 21 least participating in making three very detailed  
 22 witness statements. I think you understand that you  
 23 will, in all probability, be recalled at a future date  
 24 but, for the time being -- well, not for the time  
 25 being -- you are now released, so to speak, from your  
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