

Witness Name: Luke William Ryan (on behalf of Royal Mail Group)

Statement No: WITN09620100

Dated: 17 May 2023

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF LUKE WILLIAM RYAN

1. I, Luke William Ryan, of 185 Farringdon Road, London, EC1A 1AA, am a solicitor and the Assistant General Counsel (Crime and Dispute Resolution) at Royal Mail Group Limited (**RMG**).
2. I make this statement on behalf of RMG in response to a Request for Information received from the Post Office Horizon IT Inquiry (the **Inquiry**) dated 20 February 2023 (the **Request**).

BACKGROUND

3. The Request asks RMG to provide information to the Inquiry in relation to two discrete matters:

(a) Cleveleys Post Office, and

(b) POL's Interim Disclosure Statement - 78 RMG Files.

4. In connection with the above matters, the Request asks a series of questions and in this statement, I deal with those questions in the order they are raised. For ease of reference the questions are restated in italicised text.

CLEVELEYS POST OFFICE

The dates of the receipt of the request from POL?

5. This particular request was received by email on 30 November 2022 from Post Office Limited's (**POL**) lawyers, Herbert Smith Freehills LLP (**HSF**) (the **Requesting Email**). It was a discrete request asking RMG to search for documents that related to the dismissal of the former postmistress at the Cleverleys branch (Julie Wolstenholme) in late 2000, and the subsequent litigation arising from it. It also indicated that POL's understanding was that two RMG lawyers (Mandy Talbot and Jim Cruise) had some involvement with the matter.
6. I do note for completeness that, in addition to this request, we have received and responded to numerous other previous requests for documents by POL and solicitors acting for it: HSF; Peters & Peters LLP; and Womble Bond Dickinson LLP.

The date(s) of the searches commencing and concluding?

7. The searches commenced on 5th December 2022 and concluded on 7th December 2022.

How it was that 14 boxes/files were identified?

8. We searched our archived records via keyword searches using the following terms:

- (i) "Julie Wolstenholme";
- (ii) "Cleveleys";
- (iii) "Mandy Talbot"; and
- (iv) "Jim Cruise".

No variations of the above terms were used.

9. The following results were generated:

- (i) Nil return;
- (ii) 10 boxes/files;
- (iii) 3 boxes/files; and
- (iv) 1 box/file.

The searches applied the keywords words to a database of archived files, matching the keywords to the file descriptions.

10. The 'Cleveleys' ten files/boxes were described as follows:

- (i) Cleveleys LDO: NW 2401;
- (ii) Cleveleys LDO;
- (iii) Cleveleys LDO (FMS): PR 1104 PR 1204;
- (iv) Cleveleys LDO (FMS): PR 1104 PR 1204;
- (v) Cleveleys LDO (FMS): PR 1104 PR 1204;
- (vi) Cleveleys: POCL Separation & Conversion;
- (vii) Cleveleys LDO: 32LY01927;
- (viii) Cleveleys LDO: 32LY01927;
- (ix) Cleveleys LDO: 32LY01927; and
- (x) Cleveleys LDO: 32LY01927.

All of these files are marked as being created between July 1997 and March 1998 which predates the relevant time period cited in the Requesting Email.

11. The three 'Mandy Talbot' files/boxes are described as follows:

- (i) Response to Ofcom PAF review Feb 2013 Response to RFI by Consumer Futures on Complaint Handling Sep;
- (ii) Case No.: 61052/MT Case Title: R Langmead
Year: 2001; and

- (iii) Case No.: 62417/MT Case Title: J Slater
Year: 2001.

12. The 'Jim Cruise' file/box is described:

- (i) LD/22622 Mr Matthews Jac
Year: 2001.

Confirm whether these boxes/files/documents have been destroyed and, if so, the date of destruction?

13. The 14 boxes/files have been destroyed:

- (i) The Cleveleys material was destroyed in October 2018;
- (ii) Mandy Talbot material: one box was destroyed in February 2020. The other two were destroyed prior to our archive being moved to the current provider in 2013-2014; and
- (iii) Jim Cruise material: destroyed prior to our archive being moved to the current provider in 2013-2014.

We do not hold specific dates of destruction for files archived with our previous provider prior to 2013/14.

Explain RMG's retention policy (including the extent to which any preservation notices were issued in view of litigation).

14. RMG's retention policy is to retain material in accordance with a Retention Schedule. When the relevant period of time for retention expires, the material is reviewed by the relevant business unit. If they determine there is no reason to retain the material, they refer the matter to RMG Legal and Compliance for a final determination. If approved, destruction is carried out by the external provider.

15. On 9 September 2020, a document preservation notice was sent to relevant RMG personnel. This notice was in the form of an email. A copy has been uploaded to the Inquiry's document sharing platform (URN: RMG00000092).

16. The purpose of this email was to ascertain, following a request from POL, whether any information or documents, relating to historic prosecutions of sub-postmasters that relied on evidence from its Horizon system, were held by relevant RMG staff. It asked two questions of investigators employed prior to 2012:

- (i) Did you work on any investigations of sub-postmasters involving the use of Horizon data; and
- (ii) Do you possess any material relating to prosecutions using Horizon data?

It also instructed them to retain any material until advised otherwise.

17. In relation to material held, two positive responses were received. One investigator held material relating to two investigations involving Horizon data ([GRO] and [GRO]). The former investigation did not result in a prosecution and the latter investigation, which did result in a prosecution, was not a case involving a sub-postmaster and an apparent cash shortfall (although disclosure was made to the defendant's solicitor, on request, in January 2022).

18. A second investigator held material relating to 27 individuals (Modupe Sunmonu, George Asamudu, John St Clair Willie, Frank Hester, Abdul Koyum, Pratiksha Patel, Ashok Patel, Jacqueline Reid, Tina Iyolo, Caroline Butler, Jerry Hosi, Wendy Cousins, Anthony Gant, Valery James, Seema Misra, Solace Agbleze, Ian Warren, Alan Sales, Dawn O'Connell, Anish Kavi, Manisha Kavi, Mahesh O'Dedra, Naveed Anwar, Saeed Anwar, Duranda Clarke, Jahira Begum and Harendra Patel). This material was disclosed to Peters and Peters LLP (solicitors for POL) in December 2020.

Please provide a copy of any RMG retention policies applicable at the time of destruction.

19. Prior to September 2013, it appears that there was no consistent retention of documents policy in place or that was followed and historically different departments or regions would adopt different practices and procedures.

20. In September 2013, a group wide Records Retention Policy was introduced. A copy has been uploaded to the Inquiry's document sharing platform (URN: RMG00000090).

21. In June 2020, the Records Retention Policy was replaced by the Data Protection and Privacy Policy. A copy has been uploaded to the Inquiry's document sharing platform (URN: RMG00000091).

22. A copy of RMG's Retention Schedule 2014 referred to in the Data Protection and Privacy Policy/Records Retention Policy and applicable to material destroyed between 2014 and 2021, has been uploaded to the Inquiry's document sharing platform (URN: RMG00000088).

Please provide a copy of any RMG retention policies applicable at the time of the request received from POL.

23. RMG's current retention policy is contained in its Data Privacy Policy which was introduced in June 2022. A copy of the Data Privacy Policy, which was applicable at the time the request was received from POL, has been uploaded to the Inquiry's document sharing platform (URN: RMG00000087).

24. A copy of RMG's Retention Schedule 2021, referred to in the Data Privacy Policy and which was applicable at the time the request was received from POL, has been uploaded to the Inquiry's document sharing platform (URN: RMG00000089).

POL'S INTERIM DISCLOSURE STATEMENT - 78 RMG FILES

Please explain when, how and why RMG and/or POL identified the 78 'RMG Files', such explanation to take into account the context and background of previous steps taken to identify, locate, secure and disclose materials in RMGs possession and control and as relevant to Horizon. Please explicitly confirm when the RMG Files were located, accessed, assessed and provided to POL.

25. We have responded to numerous requests from POL and their solicitors over a number of years and have fully co-operated with them by conducting searches for historic documents held in our archive; our company secretarial records; the Postal Museum archive; and also files held by law firms instructed by RMG and POL before the companies separated in 2012.

26. As part of undertaking its investigations for historic documents I understand POL contacted law firms who had acted for it and RMG before the companies separated and requested them to undertake searches for relevant documents. As part of this process, Slaughter & May LLP (**Slaughter & May**) identified that it held historic files that related to various commercial issues relating to Horizon (such as renegotiation of the contract and intellectual property issues). My understanding is that these files were provided to POL in or about April 2022.

27. In light of the above disclosure by Slaughter & May LLP, for the sake of completeness, RMG undertook a further search on 23 August 2022 to determine whether there was any similar material held in RMG's archives. This

was to proactively ensure that any historic commercial files held by RMG, which may have fallen outside of the scope of previous specific requests made, would be identified and made available to POL. The 78 disclosed files were the product of that search.

28. The 78 files were received by RMG from the archive on 23 September 2022. We undertook a preliminary review of the documents and determined they were POL documents and that some of them would likely be relevant for the Inquiry.

29. On 11 November 2022 we notified HSF of the 78 files that we had identified. The 78 files were sent by courier to HSF on 16 November 2022 and HSF confirmed receipt on 18 November 2022.

Statement of Truth

I believe the content of this statement to be true.

Signed:

GRO

Luke William Ryan

Dated: 17 May 2023

Index to First Witness Statement of Luke William Ryan (on behalf of Royal Mail Group)

<u>No</u>	<u>URN</u>	<u>Document Description</u>	<u>Control Number</u>
1	RMG00000092	Email from Luke Ryan (RMG) to RMG staff regarding query regarding Horizon trials	RMG00000092
2	RMG00000090	Royal Mail Group – IM05 Records Retention Policy	RMG00000090
3	RMG00000091	Royal Mail Group - Data Protection and Privacy Policy	RMG00000091
4	RMG00000088	Royal Mail Group Retention Schedule 2014	RMG00000088
5	RMG00000087	Royal Mail Policy Statement - Data Privacy Policy	RMG00000087
6	RMG00000089	Royal Mail Group Retention Schedule 2021	RMG00000089