

Message

From: Mark R Davies; [GRO]
on behalf of Mark R Davies; [GRO]
Sent: 22/07/2016 10:49:04
To: Jane MacLeod; [GRO]
Subject: Re: Remote Access wording - subject to litigation privilege [BD-4A.FID26859284]

Jane

I'm away as of tonight so perhaps we should speak this afternoon?

Mark

Mark Davies
Communications and Corporate Affairs Director

[GRO]

On 22 Jul 2016, at 07:25, Jane MacLeod [GRO] wrote:

Thanks Mark this is helpful (ish!)

To all on this email chain, please do not forward this email to anyone else as it is critical that we maintain privilege around it.

Given the statements that Mark has collated, can we please reference the advice from Fujitsu that we have relied on in making these statements (for example did we show FJ the drafts of these before making them etc?), as clearly there is a gap between these and what we now understand may be the case.

Andy, once this is available would you please consider whether this affects the legal risk and approach? Mark D (and others) - we need to consider the positioning around the current wording in light of these statements.

Thanks all.

Jane MacLeod
General Counsel
The Post Office

[GRO]

Sent from my iPad

On 21 Jul 2016, at 22:42, Mark Underwood1 [GRO] wrote:

All,

I have been through the Scheme Chronology and reviewed for statements made by Post Office re Remote Access. Please find attached what I feel are the key statements made publically.

Mark

From: Parsons, Andrew [GRO]
Sent: 21 July 2016 20:00

To: Thomas P Moran; Mark Underwood1
Cc: Mark R Davies; Jane MacLeod; Tom Wechsler; Rob Houghton; Rodric Williams; Angela Van-Den-Bogerd; Patrick Bourke; Nick Sambridge
Subject: RE: Remote Access wording - subject to litigation privilege [BD-4A.FID26859284]

Tom

I think we have agreed wording on the Post Office side. Tony has already signed off. I've sent the wording to both FJ and Deloitte and asked for comments by cob tomorrow.

Kind regards
Andy

Andrew Parsons

Partner

<image001.png>

GRO

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From: Thomas P Moran

GRO

Sent: 21 July 2016 19:42

To: Mark Underwood1

Cc: Mark R Davies; Parsons, Andrew; Jane MacLeod; Tom Wechsler; Rob Houghton; Rodric Williams; Angela Van-Den-Bogerd; Patrick Bourke; Nick Sambridge

Subject: Re: Remote Access wording - subject to litigation privilege [BD-4A.FID26859284]

All

Sorry I couldn't dial in - I think Tom will have given my apologies.

Mark/Andy. Please can you set out the timeline for approving this text (eg Deloitte, FJ) if this is necessary.

Completely agree that making sure we are not contradicting previous statements is vital.

Tom

On Jul 21, 2016, at 7:31 PM, Mark Underwood1 wrote:


GRO

Mark, I will take a look at what we have said previously

Mark

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On Thu, Jul 21, 2016 at 6:21 PM +0100, "Mark R Davies"

 wrote:

All

I am stuck with a live issue at present. My uneasiness on this issue is why we can't give a firmer position on the super user point before we reply?

I suspect I know the answer but the current wording leaves us vulnerable and we would need to look at what we have said publicly (select committee, panorama etc...) before we commit the position.

Mark

Mark Davies
Communications and Corporate Affairs Director



On 21 Jul 2016, at 18:02, Parsons, Andrew

 wrote:

All

In case it helps, please find attached an amended version including Rob's comments earlier.

Kind regards
Andy

Andrew Parsons
Partner



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From: Parsons, Andrew
Sent: 21 July 2016 15:02
To: 'Mark R Davies'; 'Angela Van-Den-Bogerd'
Cc: 'Thomas P Moran'; 'Rodric Williams'; 'Patrick Bourke'; 'Rob Houghton'; 'Tom Wechsler'; 'Nick Sambridge'; 'Jane MacLeod'; 'Mark Underwood1'
Subject: RE: Remote Access wording - subject to litigation privilege [BD-4A.FID26859284]

Mark

In response to your question in the other email thread about seeing everything we have said about "remote access", we don't have a central log of everything POL has said on remote access. However, the language

used in the email referenced below (attached again) is reflective of the language used by POL towards the end of the Scheme.

We have also previously compiled POL's comments on this topic that were made in individual case reports (see attached), which gives a flavour of the responses given. This should however be treated with caution as these responses span a two year period and POL's understanding of the situation changed over time.

One of the tasks we could do (albeit this will need to be after the LOR has been sent) is to compile a complete chronology of what POL was told and what POL has said on this topic. One to discuss on our call later.

Kind regards
Andy

Andrew Parsons
Partner



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From: Parsons, Andrew
Sent: 21 July 2016 14:49
To: 'Mark R Davies'; Angela Van-Den-Bogerd
Cc: Thomas P Moran; Rodric Williams; Patrick Bourke; Rob Houghton; Tom Wechsler; Nick Sambridge; Jane MacLeod; Mark Underwood1
Subject: RE: Remote Access wording - subject to litigation privilege [BD-4A.FID26859284]

Quote from SS' Report:

" This ability to directly amend branch records is something that Post Office has consistently denied was possible. This recently discovered evidence appears to confirm, that in 2010 at least, it was possible for Fujitsu / Post Office to directly amend branch data without the knowledge of the relevant Subpostmaster.

14.16. In commenting on a draft of this report Post of Office told us that the references to "amend" and "correct" in the documents mentioned above, are not strictly correct as neither Post Office nor Fujitsu have the ability to directly change or delete existing records. All that can be done is that additional records can be added by Post Office / Fujitsu without the consent (and possibly the knowledge) of the relevant Subpostmaster. This will, however, have the effect of altering balances

at the branch, as both debit and credit entries can be made.

14.17. Post Office also told us:

"All of the above processes for correcting / updating a branch's accounts have similar features. All of them involve inputting a new transaction into the branch's records (not editing or removing any previous transactions) and all are shown transparently in the branch transaction records available to Subpostmasters (as well as in the master ARQ data).

The language used in the documents produced by Post Office / Fujitsu and to which you refer is unfortunate colloquial shorthand used by those working on the Horizon system. I can see how it could be read to suggest that Post Office was "altering" branch data but the above explains why this is not the case."

14.18. This is not something that we have been able to test or validate.

14.19. Clearly, the fact that such an ability exists, is not necessarily evidence that such 'amendments' were actually made. This is not something that we have been able to investigate.

This section of the Report was based on the attached email sent to Second Sight.

Kind regards
Andy

Andrew Parsons
Partner



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From: Mark R. Davies

GRO

Sent: 21 July 2016 14:36

To: Angela Van-Den-Bogerd

Cc: Parsons, Andrew; Thomas P Moran; Rodric Williams; Patrick Bourke; Rob Houghton; Tom Wechsler; Nick Sambridge; Jane MacLeod; Mark Underwood1

Subject: Re: Remote Access wording - subject to litigation privilege [BD-4A.FID26859284]

Exactly - it's hard to assess this without seeing what we've previously said

Mark Davies
Communications and Corporate Affairs Director

GRO

On 21 Jul 2016, at 14:33, Angela Van-Den-Bogerd

GRO wrote:

Thanks Andy

Would you please circulate the extract "The use of balancing transactions was explained to Second Sight and is referenced in its Part Two Report at paragraph 14.16." so that we can see what was referenced at the time.

Thanks
Angela

<image004.png>

Angela Van Den Bogerd
Director of Support Services

1st Floor, Ty Brwydran,
Atlantic Close, Llansamlet
Swansea SA7 9FJ

GRO

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From: Parsons, Andrew

GRO

Sent: 21 July 2016 14:05

To: Thomas P Moran; Rodric Williams; Angela Van-Den-Bogerd; Patrick Bourke; Mark R Davies; Rob Houghton; Tom Wechsler; Nick Sambridge; Jane MacLeod; Mark Underwood1

Subject: Remote Access wording -

subject to litigation privilege [BD-4A.FID26859284]

All

Please find attached the proposed wording on the remote access issue – for discussion on our call at 6pm today.

Three points to bear in mind when reviewing:

1. In light of comments yesterday, we've provided a slightly longer explanation so to hopefully present this issue in a better light.
2. Tony agrees with the current wording but has reiterated the importance of dealing with this point candidly, even if that does cause some short-term pain.
3. We do not yet have a 100% clear picture on some of the technical and operation issues on this topic. We therefore need to be careful not to overstate our case. This draft wording will also need to be run past Deloitte / FJ.

Kind regards
Andy

Andrew Parsons
Partner



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