WITN10760100

Witness Name: Amy Louise Prime
Statement No: WITN10760100
Dated: 13th November 2024

POST OFFICE HORIZON IT INQUIRY

FIRST WITNESS STATEMENT OF AMY LOUISE PRIME

I, Amy Louise Prime, of Oceana House, 39-49 Commercial Road, Southampton SO15 1GA, will say as follows:

A. INTRODUCTION

1. I am a Solicitor in the Commercial Disputes and Regulatory team of Womble Bond Dickinson (UK) LLP ("**WBD**" or the "**Firm**"). I make this statement to assist the Post Office Horizon IT Inquiry (the "**Inquiry**") with the matters set out in its Rule 9 Request dated 30 September 2024 (the "**Request**").

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2. The subject matter of the Request relates to work which I did on behalf of Post Office Limited ("**POL**") as a junior member of the WBD team in respect of the civil litigation brought against POL by a group of sub-postmasters and sub-postmistresses ("**SPMs**") in the litigation known as *Alan Bates & Others v Post Office Limited* (the "**group litigation**"), which ultimately settled in December 2019.

3. At the outset I would like to clarify a number of matters for the Inquiry. I was in a pre-arranged training course when the Request was received by WBD. This course took place on 30 September and 1 October 2024. I then went on annual leave on 2 October 2024. The Request was provided to me by the firm on the morning of 2 October 2024. I returned to the office on Monday 14 October 2024. Upon my return to the office I had work commitments in respect of work for clients on whose cases I am presently engaged. I have, however, done all within my power to allocate that work to others and to spend as much of my time as possible on this response to the Inquiry, as I wish to give the fullest and most helpful evidence I can. I need, however, to emphasise the reality that I have only had since 14 October 2024 to work on this response. I am aware that an extension of time was requested but that due to the timetable of the Inquiry it has not been possible to extend the deadline for this response beyond 7 November 2024.

4. I have had assistance from WBD (in respect of the collation of documents) and from external counsel retained to assist me, and I have done my very

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best to answer the Request. I have set out in this statement everything which appears relevant and which I can actually recall now about the events in question. I have tried to indicate in this statement where a memory is independent of any documents I have viewed recently, where my memory has been triggered by reading a contemporaneous document, and where I have no memory at all but am doing my best to reconstruct events and thought processes from looking at contemporaneous documents.

5. The reality, however, is that it has not been possible within the available time for me to identify anything like each and every relevant document I saw or worked on at the material time, or to review each and every document which might be relevant. I was engaged on tasks arising from the group litigation for a period of more than four years, between 2016 and 2020, and the work was varied and intensive. I was working long hours, billing more than 1,000 hours on the group litigation in 2017, more than 1,700 hours in 2018, and more than 1,400 hours in 2019. Between March 2016 and December 2019, I sent / received c.44,000 emails in relation to the group litigation (being c.950 emails each month), and I believe that the WBD team working on this case was at one point as high in number as 25 to 35 people working across the various different workstreams which existed in respect of the group litigation. Much of it is a blur in my mind now, and it is fair to say that my recall of the details is extremely limited. If more time had been available to me, I would have wanted to look at each and every relevant email and document and trace through precisely how my

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knowledge of each relevant matter was formed and evolved, and to set that out in detail for the Inquiry. I have done my best to answer the Request in the time and on the material which I have been able to identify and review.

6. As I will explain below, I was a very junior member of the team and this was my first experience of litigation of this type. I was learning all the time. It was a baptism of fire in the sense of the intensity of the work, scale of the litigation and the complexities of the case.

7. Given my very junior position I was not responsible for making any strategic decisions in the litigation and I did not formulate the strategy. I did take part in meetings where strategic decisions were discussed and made, but these were meetings involving Counsel and almost always under the supervision of Andrew Parsons ("**Andy**").

8. I was kept abreast of the broader picture and how the litigation was progressing through being copied into various documents and emails and through conversations with (primarily) Andy, my supervising partner, as well as other members of the WBD team. I believe that at most times I had a decent mechanical knowledge of the various workstreams that were ongoing, even if I was not aware of the underlying details of many of them. I think Andy was generally quite good about keeping me informed about strategic points which arose for decision within the litigation, but it would not have been appropriate for me to make strategic decisions in the case myself, given how junior I was. So far as I am aware, all strategic decisions

in the litigation were made by a combination of Counsel, those partners at WBD involved in the case, and those responsible for decision-making at POL.

9. When I was working on the group litigation, I was focused only on carrying out the tasks allocated to me as competently and efficiently as possible. I of course had some appreciation of the wider social context of the case, and I believe that I attended most of the hearings and strategic client meetings (referred to as Steering Committee meetings). I was aware from general discussions within the WBD team working on the group litigation (primarily with Gavin Matthews and Andrew Parsons) and attending client meetings that in broad terms there had been private criminal prosecutions, and that the SPMs in the group litigation were adamant that they had been treated badly, that they were not responsible for shortfalls in their branch accounts, that problems with the Horizon system were or might be the cause of the shortfalls and that they had suffered loss and damage as a result.

10. I was also aware in broad terms that POL's position was that Horizon was a robust system, was not responsible for the shortfalls in question and that the claims by the SPMs did not have merit and were to be defended. I knew that WBD was retained to represent POL in the group litigation and that my role, as a junior member of the WBD team, was to carry out the tasks given to me arising from the litigation. I do not recall thinking about the

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background to the case any more than was necessary to understand the tasks I had to undertake.

11. I was aware that a solicitor's role is to advance the interests of their client in litigation and that in doing so a solicitor must act in accordance with all relevant court rules, as well as the SRA Code of Conduct and the highest standards of ethics. I was never aware during my work on the group litigation of there being any actual or perceived conflict between these obligations and I never witnessed any discussions or conduct which caused me to be concerned that anyone was acting in an unethical way or contrary to any professional or ethical obligations.

12. As I set out below, I can now see that some mistakes were made, but insofar as those were mistakes on my part, they were due to my inexperience and poor drafting (in the case of the email of 5 October 2016). It was not due to any improper intention, lack of effort on my part, or due to any intention to do anything other than my best. To place the events explained in my statement into an overall context, I would emphasise again that the group litigation was a complex and extremely intensive case which, at any time, had multiple overlapping Court deadlines and competing demands (which naturally occurred due to the timetabling for the group litigation). I was immersed in this case for nearly four years and throughout this time sought to undertake the best work that I could in the circumstances, in compliance with all of my professional obligations.

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13. I have learned a number of practical lessons (as I set out later in this statement) as a result of my work on the group litigation, which have (I hope) enabled me to become a better solicitor. The scrutiny which this Inquiry has brought to the events of the group litigation has made me even more acutely aware of the ethical obligations of the solicitors' profession, but I wish to emphasise that I was always aware of those obligations and I believe that I always acted in accordance with them.

14. I do not think it is possible for anyone – with all the knowledge that is now available – to look on what happened to the SPMs with anything other than extreme sympathy, and to be sorry that any of them had to go through what happened. I can see that part of the picture is the defence that was mounted by POL to the group litigation. Although I was not a decision-maker in that litigation, I was aware at the time of the broad rationale behind most of those decisions, and that rationale always appeared to me to be rooted in a logical approach. I was never aware of any course being adopted for any reason which appeared to me to be illegitimate.

15. Nor was I ever aware of there being any attempt to prevent the SPMs having access to documents which were relevant to the case and which they were entitled to see. There were difficulties with documents because of the sheer size of the disclosure task - given the size of POL's operation and the long spanning timeframe to which the group litigation related and what appeared to me to be a less than perfectly organised approach to document management on POL's part. There were also difficulties with

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technical documents because they were (broadly speaking) held by Fujitsu rather than POL, and Fujitsu had difficulties (which became more apparent over time) in providing explanations of their technical databases which were complete and could be understood by those without a deep technical understanding of precisely how their software worked.

16. At all times I did my best to understand what I was being told about documents and to play my role in presenting an accurate picture about documents to the SPMs. I regret any mistakes I made, did my best at the time to put right any mistakes as soon as they came to light, and have learned from them for the future.

Background

1. Please set out a brief professional background.

17. I joined Bond Dickinson (as the Firm was then called) as a trainee in September 2014. I qualified as a solicitor into the Commercial Disputes team in September 2016 (at some point the team subsequently became known as the Commercial Disputes and Regulatory team, but I cannot now recall exactly when). I will refer to this as "**the CDR team**".

18. I have worked at WBD since my qualification as a solicitor in September 2016. I remain part of the CDR team. I was promoted to the role of Associate in May 2019, and then promoted to the role of Managing Associate in November 2022.

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2. Please describe how you first became instructed by POL in relation to the issues being addressed by this Inquiry.

19. As the Inquiry is probably aware, trainee solicitors have four training 'seats' of six months each, in different teams within a firm. My last training seat – between March 2016 and September 2016 - was in the CDR team.

20. WBD was already instructed by POL in relation to a number of matters before March 2016, and when the Letter of Claim in the group litigation was sent by the SPMs on 28 April 2016, WBD was instructed to represent POL in respect of that litigation. As a trainee in the CDR team I was asked to assist with certain tasks in respect of the group litigation. I would be allocated tasks by the partners - Gavin Matthews or Andy Parsons (who become a partner in May 2016, midway through my seat with the CDR team) – or by other solicitor members of the team. Upon my qualification as a solicitor in September 2016 I continued to assist with tasks relating to the group litigation which the more senior members of the CDR team asked me to undertake, although for the most part I assisted in relation to disclosure.

21. As a trainee, my formal line manager within the CDR team was Gavin Matthews, but the partner I worked most closely with was Andy who has already given evidence to the Inquiry. Andy was made up to partner in May 2016 (when I was a trainee in the team) and at this stage or upon my qualification in September 2016 it is likely that he became my formal line manager (although I cannot recall the exact timings for this change). The

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perception I formed of Andy was that he was a very successful lawyer within the Firm. He worked very hard, had been promoted to become a partner and, as I understood it was good at his job. I looked up to him and respected him very much and still do. I viewed him as someone from whom I should try to learn as much as I could.

22. In early 2017 (I believe around January or February), I moved desks in the office so that I sat next to Andy, and this remained the arrangement throughout the period in which this Inquiry is interested. I sat no more than a few feet away from him and in those pre-Covid times we were both in the office every day. We got on well and we spoke on numerous occasions most days. We would discuss any issues which were relevant to my work on the group litigation whenever they arose. I could ask him for guidance more or less whenever I needed to, and I did that frequently.

23. The way I would work with Andy was almost always as follows: I would discuss a task or issue with him, and between us we would form a view as to how it should be approached or dealt with. I say 'between us' as he always encouraged me to express myself, but I was so junior that he would ultimately be the person forming the view as to what approach should be adopted and explaining the reasons why to me. I felt free to speak though, and if there was something I could add by reason of my knowledge of a particular fact or matter through my working on the case – for example in respect of the logistics of a particular disclosure search or exercise – I would

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speak up, and would tell him if ever I felt a course of action he was contemplating would not be possible in practice.

24. After these conversations, Andy would then encourage me to have the first attempt at producing the document which needed to be drafted, or in setting up the tasks that arose, and he would then review my work. Most of the time that would comprise me emailing him my work product so that he could consider and amend it on his own screen, but there were rare occasions – for example when working on documents which were in a separate database and not easy to email over – when he would step over and look at my screen and assist me by reviewing my work in that way.

25. My belief and understanding at all material times was that Andy was a good supervisor. He would discuss things with me, give direction, then allow me to have a first go at the work before reviewing it for himself and giving me feedback on the amendments that he had made.

3. Please summarise the scope of the work you carried out for POL.

26. I worked on the group litigation from March 2016 until around the time of the settlement in December 2019.

27. I also undertook some work post settlement relating to the implementation of the settlement and judgments, but I understand that the waiver of privilege by POL only runs up to 26 February 2020 which is not a great deal of time after the settlement was achieved. As such there is only a very

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limited amount that I can say about any work I did post settlement. This is dealt with briefly below in response to the Inquiry's question 20.

28. My role and responsibilities changed over the period of time that the group litigation was ongoing. Initially, I was a trainee solicitor before qualifying into the team, and over the course of the group litigation I developed to become a more senior member of the team. I set out below an illustrative list of the work which I carried out for POL; it is not exhaustive but I think it gives a good illustration of the types of work that I did.

29. In relation to the pre-action stage, I was a trainee in the team from March to September 2016 and the work which I undertook was typical of the tasks that trainees are asked to undertake. For example, undertaking research (see below on the Official Secrets Act), attending calls or meetings to take attendance notes, collating bundles of documents, proof reading, and producing initial drafts of emails, advice notes, court documents, and correspondence, all under the supervision of more senior members of the team.

30. I qualified as a solicitor on 15 September 2016 at which point I took on a greater role in liaising with the client and seeking their instructions. At this stage, I continued to be under the careful supervision of Andy, as is normal for a newly qualified solicitor. He and the other more senior members of the team, as well as Counsel and the decision-makers at POL, were responsible for determining the strategy in the case. Further, Counsel and

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the senior members of the WBD team were responsible for the advice tendered to POL. When I was tasked with liaising with POL, I dealt most frequently with Rodric Williams ("**Rod**"). Rod would often telephone me to provide instructions or information I had requested, and if there were any matters arising from these calls on which I was unsure I would take these away to discuss with Andy.

31. There were some emails that I was permitted to send to the client without or with minimal supervision but to the best of my recollection at this stage these were limited to basic factual updates or emails chasing for instructions, for example in the form of providing the relevant person at POL with a "to do list" dealing with outstanding matters upon which we awaited their instructions. Any emails which contained substantive advice would be reviewed and amended as necessary / appropriate by Andy.

32. I also acted as a point of liaison between Counsel and POL in respect of advice which Counsel was providing that concerned any issues that arose in respect of Post Office branches run by SPMs who were Claimants in the group litigation. Again, this work was supervised by Andy, and any advice was given by Andy and Counsel, or approved by them before being sent to POL.

33. After I qualified as a solicitor in 2016 I was predominantly involved in the mapping / identification of documents to be preserved and then disclosed

by POL in the course of the group litigation. I took on this work as another member of the WBD team, Tom Porter, left the firm in September 2016.

34. This work involved holding "data mapping calls" with key individuals at POL. I would generally have conducted such telephone meetings with the assistance of a trainee who would take a note to record the call and the discussions were often based on the proforma form that we had devised. This form would have been completed by the POL employee prior to the call and the purpose of the call would have been to discuss any questions arising from their responses. I would then report back to Andy on the output of these calls so that he could review the position and supervise the approach that I and the team were taking to drafting the EDQ.

35. Further, I can recall that there would have been "data mapping calls" and emails with Fujitsu. From memory Andy would have joined those calls and supervised the contents of my draft emails before I sent them to Fujitsu. Andy did not join all of the calls we had with the POL employees.

36. The purpose of this workstream was to identify people who might potentially hold relevant documents and the repositories where potentially relevant documents might be stored so that we could respond to the disclosure requests being made by the SPMs, prepare for Case Management Conference(s) (**"CMCs"**) at which disclosure would be considered, produce the Extended Disclosure Questionnaire (“**EDQ**”) for use in the group

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litigation in December 2017, and collect and host in an eDiscovery platform the potentially relevant documents in preparation for disclosure.

37. There were also occasions upon which I attended the POL Steering Committee meetings, usually with Andy, and often I assisted in the drafting of briefing papers for these meetings. When I was first involved in the case I would only ever have attended in my capacity as a very junior solicitor to take a note of the meeting but later and towards the end of the group litigation I believe that I may have attended one or two meetings on my own. On these occasions, however, I believe that the subject matter of the meeting related to an issue with which I was familiar, namely it would have been a matter related to the disclosure process. Before every meeting I believe that briefing, decision, or recommendation papers were circulated (with any decisions or recommendations presented to the Steering Committee ultimately having been made by Andy and/or Counsel), and so my role would have only ever have been to talk to the paper and answer any factual questions that POL had on the papers.

38. During the course of the group litigation, there were a number of procedural matters to deal with, for example preparing for the CMCs before Mr Justice Fraser (as he was then referred to) and hearings to resolve applications made by the parties. I assisted the team whenever I was asked to in relation to these matters, but, as I have mentioned above, I did not determine the strategy to be deployed as I was still very recently qualified (or as the group litigation progressed, a junior solicitor) and therefore not in a position to do

so. My role was therefore narrower and involved with more administrative tasks, including liaising with Counsel to obtain advice. I would also produce initial drafts of documents, for example sections of the procedural witness statement to support POL's court applications, court orders and directions, correspondence to the Claimants' solicitors (Freeths) and advice notes on discrete issues arising, but this was always under the day-to-day supervision of (predominantly) Andy.

39. During mid 2017 I also assisted with requesting and collating information from POL and preparing briefing notes from that information which were then passed onto Counsel for the purposes of drafting the Generic Defence to the group litigation. Again, this was largely a document management task.

40. Following each of the CMCs which dealt with disclosure (these took place in October 2017, February 2018, June 2018 and February 2019) my focus was very much on the various disclosure orders which had been made by Mr Justice Fraser and in particular, following the October 2017 CMC, the production of the EDQ. I was therefore involved in locating, collating and reviewing the documents which POL had been ordered to disclose. I was responsible for liaising with POL and Fujitsu to identify and collect relevant documents and then ensuring that they were uploaded properly onto the eDiscovery platform so that they could be reviewed for relevance and disclosed.

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41. My recollection is that any emails of substance on these issues would have been supervised by Andy. In relation to any of the complex POL storage locations I believe we would also have brought in our eDiscovery provider to assist and advise us on how best to approach the preservation and collection of documents given that this was a very specialist area. Further, in this time period I was involved in a number of discussions with Freeths around the scope of disclosure to be given by POL and the Claimants (in particular in the lead up to the February CMCs). My role in these discussions would have been to provide Andy with information collated from POL and Fujitsu so that he was aware of the issues that were arising in respect of disclosure and could give advice about them.

42. From recollection I believe that we approached the disclosure reviews by producing a briefing note for the document review paralegals so that they knew how to approach the task. Typically, I would produce the first version of these briefing notes, and then they would be reviewed and amended / approved by Andy. The paralegals would then do the "first pass" through the documents and I (along with a wider team) would undertake a second review of the documents. Any questions arising on relevance or privilege from this review would initially be referred to me so as I could be a central point for these questions. My recollection is that I would respond to the questions if I felt comfortable in doing so and if I was unsure of the approach I would refer these questions to a more senior member of the team (predominately Andy, but occasionally Counsel would be involved).

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43. By 2018 I was two years qualified and had gained enough experience that I was capable of having more input in relation to the direction of disclosure as well as doing the "nuts and bolts" of the disclosure exercise to which I have referred above. I had views for example on the criticisms which from time to time the Claimants raised in respect of POL's disclosure and I could assist in dealing with issues that arose. My work was still supervised, as I believe would be expected in any law firm.

44. Between 7 November 2018 to 6 December 2018 I was in attendance at the Common Issues Trial.

45. In 2019 (and in association with my promotion to associate in May 2019), my responsibilities changed slightly as I grew in experience and because Andy was by then working at full stretch on the Horizon Issues Trial. I continued to work on disclosure for the Horizon Issues Trial. I discuss later in this statement my involvement in the issue which arose in respect of disclosure of the KEL database. I also moved to work with a different team and to provide support in respect of the upcoming Further Issues Trial (Trial 3, which in the event did not actually take place). Important decisions relating to disclosure would still have been approved by a partner. Disclosure for the Further Issues Trial was ordered at the CMC on 12 February 2019 and following that hearing my work was based on working towards the fulfilment of this order.

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46. In March 2019 I was also involved in the recusal application which I deal with in more detail at paragraphs 208-224 of this statement, in which my role was essentially to act as administrative liaison between POL and Counsel.

Group Litigation Proceedings

4.Please summarise your work advising POL in the group litigation ("GLO Proceedings"). In particular, please address the following issues, including any changes to the same over time:

4.1 From whom did you receive instructions?

47. When I received instructions from POL they generally came from Rodric Williams, Jane McLeod, Mark Underwood, or the Group Action Steering Committee

4.2 Please summarise the advice you provided to POL in respect of its general litigation strategy in defending the GLO Proceedings.

48. As I have explained above, I did not give advice to POL in respect of its general litigation strategy in defending the GLO Proceedings. I was too junior and inexperienced at the time to provide any such advice.

4.3 Please describe the nature of the relationship between:

4.3.1 You and your firm with Freeths and the claimants' counsel

49. I had no relationship with the Claimants' Counsel.

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50. I would speak from time to time with fee earners at Freeths, of whom I can recall James Hartley and Imogen Randall. I regarded our relationship as professional and respectful. I knew that they were obviously trying to put their clients in the best position possible and achieve the best outcome for them. My focus was, as I have described, on disclosure and I thought that at times Freeths did not fully appreciate the mechanics of the enormous disclosure exercise that POL was going to have to undertake. At times this caused an element of "disconnect" between us when we were discussing matters for example in advance of the CMCs. I had the impression that they did not always appreciate the consequences of the orders which they were seeking, in terms of the costs that would be incurred in carrying out the disclosure requested, and even sometimes whether the requests that they were making were feasible in terms of the timetable. All of these discussions were conducted in a polite and respectful way so far as I was aware and can recall.

51. As for the relationship of the Firm generally with Freeths, I am not sure I can comment fully upon that, save to say that as far as I understood the relationship it was, as I have said, professional and respectful. Obviously both firms were doing their best to promote their clients' case and so naturally there was not agreement on all areas of the management of the claim. It was after all an enormous and significant piece of litigation. I did not form the view that there was anything inappropriate or problematic in the relationship between the two firms.

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4.3.2 You and your firm with counsel representing POL.

52. As a result of the level of my seniority, the vast majority of the work that I did when interacting with Counsel representing POL can probably best be described as administrative liaison, although in respect of issues relating to disclosure in particular I was far more familiar with the factual position and so my role would be to assist Counsel to understand the factual basis of any issue which had arisen and, where appropriate, to provide a view of what the factual ramifications would be of issues which had arisen in respect of disclosure.

53. So I would say there was a range of interaction between me and Counsel, from the purely administrative (for example my interactions with One Essex Court when POL were considering an appeal and the application to recuse Mr Justice Fraser, which I deal with in more detail at paragraphs 208-224 below), to the more substantive information I would provide to Counsel on matters primarily related to disclosure.

54. I believe that I (and as far as I am aware the whole WBD team working on the group litigation) had a good working relationship with Counsel. This was a long running case (spanning from mid 2016 to the end of 2019) and during that period I would speak to Counsel often. I would sometimes sit in on meetings or calls where Andy would discuss general strategy matters with Counsel but any decisions on strategic matters would be driven and taken by others.

55. I trusted Counsel and their judgment, as I believe the rest of the WBD team working on the group litigation did. Although the group litigation was unusual in its size, scope and duration, which meant that we all spoke to the same Counsel team more often and spanning a longer period than I now know to be usual in more run of the mill litigation, the relationship with Counsel was no different to any other professional relationship: it was courteous, functional and professional.

4.4 To what extent did you rely on advice from counsel in respect of (a) general litigation strategy (b) POL's approach to disclosure (c) the preparation of witness evidence and (d) the recusal application?

56. As to (a), I have explained above that I did not drive or make any decisions on general litigation strategy. I did sometimes sit in on meetings where general litigation strategy was discussed and decisions were taken. My observation from those meetings was that Counsel played a major role in the decisions that were taken, but the advice from Counsel always appeared to be considered carefully by Andy and the relevant decision-makers at POL. Ultimately decisions on the general litigation strategy were made through a combination of Counsel, the partners from WBD involved in the case (being primarily Andy), and those responsible for decision-making at POL.

57. As to (c), I was not, as I explain at paragraphs 200 and 228 involved in the preparation of witness evidence.

58. As to (d), and as I also mention above and deal with in more detail later in this statement, I assisted in obtaining details of Leading Counsel for the recusal application but was not involved in any decisions that were made in respect of that application. My impression was that the whole of the team at WBD was very reliant on Leading Counsel to advise in respect of the recusal application given the unusual nature of that application and the importance of it to POL.

59. As to (b), and my reliance on Counsel so far as disclosure was concerned, it is fair to say that Counsel was not involved in the "nuts and bolts" of the disclosure exercise. The WBD team was responsible for the enormous task of working out which documents were held by POL and Fujitsu, in which document repositories, and how they could be mapped, examined for relevance, and ultimately disclosed. WBD liaised with Freeths about the different document repositories and categories and how the disclosure exercise was to be carried out. Counsel would only generally be involved where a CMC was approaching and there were issues remaining between WBD and Freeths on disclosure matters and advice from Counsel was requested as to how these issues should be addressed leading up to and at the CMC.

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60. The two exceptions to this which I can recall are when an issue arose as to redactions for privilege, when redactions were reviewed with the assistance of Counsel as I set out below at paragraphs 190 to 199 and 225 to 227, and also when it emerged in October 2019 that Fujitsu had previous versions of KELs which had not been disclosed (as I also set out in detail later in this statement).

Disclosure in the early phases

5. Please provide a detailed account of the nature and extent of your involvement in decisions in relation to disclosure throughout the GLO proceedings.

61. I refer the Inquiry to my general description of the tasks that I undertook in the context of the GLO proceedings elsewhere in this statement.

62. Whilst I undertook a great volume of work in relation to disclosure throughout the group litigation, due to my junior status I do not believe that any of the final decisions on any issues which arose for decision rested with me.

63. In answer to the Inquiry's question in relation to the extent of my involvement in decisions relating to disclosure - I did not make any strategic decisions and the decisions that I would have been involved in related to the practicalities of approaching such an enormous disclosure exercise, including how to map the data, preserve and collect the data so that it could be reviewed for relevance and disclosed in the group litigation. I explain

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elsewhere in this statement my involvement in the redaction of documents during the disclosure process.

64. The typical approach followed was that strategic decisions (including those concerning disclosure) were brought to a POL Steering Committee which had been formed for the purposes of the group litigation. My recollection is that I had some input into the Steering Committee papers (in particular those relating to disclosure) – often producing a first draft of the relevant paper having discussed the matter with Andy and with him amending and/or approving the paper before it was finalised. I was also involved in assisting with drafting correspondence to Freeths about disclosure related matters, discussing with Counsel and Andy the scope of disclosure orders and I assisted POL to comply with orders relating to disclosure. But this work too was all under the supervision of Andy and, occasionally, after direct liaison with Counsel.

6. Please consider POL00408630 (email from you to Paul Lorraine on 13 May 2016) and POL00408631 (Bond Dickinson note on Official Secrets Act 1911 and 1989). Please provide a detailed account of the background to this research, including who requested it and why. Was any use made of this research during the GLO proceedings?

65. The purpose of this research was to enable the firm to respond to the matters raised by the Claimants in their Letter of Claim. I refer the Inquiry

to paragraph 11.3, Section K and the Appendix of the Letter of Claim from Freeths to Rodric Williams of the Post Office dated 28 April 2016 (POL00241140) in which the Claimants sought clarification as to POL's position in relation to the application of the Official Secrets Act as this was referred to in the SPM Contract.

66. I also refer to (WBON0001952) which is an email (and it's attachment titled "Letter of Claim: Work Plan (WBON0001953) dated 1 May 2016 from Andy to Gavin Matthews entitled "LOC Work Plan" setting out a proposed plan of work for responding to the Letter of Claim. One element of that plan was for "*BD to research OSA requirements*".

67. On 9 May 2016 (WBON0001954) I received an email from Paul Loraine entitled "FW: Group Action against Post Office Limited" in which he explained the need to research the Official Secrets Act but that he first needed to understand why there was a reference to the Official Secrets Act in the contract. The following day (10 May 2016) Paul Loraine asked me by email entitled "FW: Official Secrets Act" (WBON0001955) to start to research the Official Secrets Act issue which I did and on 13 May 2016 I sent my research to Paul Loraine by email entitled "Re: Official Secrets Act" (POL00408630) The attachment to this email is document referred to in the Inquiry's question (POL00408631).

68. Between 20 to 23 May 2016 in an email chain between Paul Inwood of the Post Office and Paul Loraine entitled "Re: Official Secrets Act."

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(WBON0001956) further information was sought from POL and on 23 May 2016 the research note was sent in an email from Paul Loraine to Andy, copying me in, entitled "Official Secrets Act – paras 175-185 LoC" (POL00408626) so that it could be used to assist in the production of the Letter of Response.

69. On 9 June 2016 the research note was provided in an email from Paul Loraine to Tony Robinson QC instructed for POL entitled "POL Group Action" (WBON0001957) and on 8 July 2016 in an email (WBON0001958) the issue was referred to POL Steering Committee so that they could decide whether POL agreed not to assert Official Secrets Act obligations against Claimants. The Steering Committee Paper entitled "Decision 5" can be located at (WBON0002006).

70. Paragraph 12.9 of the Letter of Response from WBD to Freeths dated 28 July 2016 (POL00110507) deals with the issue of the Official Secrets Act.

7. Please consider POL00408626 (email from Paul Lorraine to Andy on 23 May 2016, copied to you). What did you understand Paul Lorraine to mean when he said "*…I'm not convinced this is our best option*"?

71. I have reviewed this email and note that I was copied into it. I do not recall considering the wording of the email in detail at the time. As I have said elsewhere in this statement, I was still a trainee at the time in question (May 2016) and so I would have been copied into a number of emails for

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information and/or learning purposes rather than because I was being expected to comment on the strategy in the case. I was not being asked to assist with any decision making on the approach to the Official Secrets Act issue or what approach should be taken in the Letter of Response. I also did not know Paul that well (he was based in a different office to me) and I do not know what he meant by this wording.

72. I have reconsidered this email, the wording and other documents on this topic in light of the Inquiry's question. In particular, I have reviewed the POL Steering Committee paper at (WBON0002006) and my understanding of this wording is that Paul's preferred approach was the second option set out in the email. Option 1 would require POL to run a contractual interpretation argument which might be difficult due to the issues with the unclear drafting of the clause. Also, my understanding from the documents is that POL had not previously enforced the Official Secrets Act clause and as such resolving the contractual interpretation queries and seeking to enforce the Official Secrets Act may not be required nor in the perceived best interests of POL. I assume therefore that it was thought that Option 2 would be the better option for POL. I am, however, speculating after the event and cannot know for sure what Paul had in his mind when he wrote the email in question.

8. Please consider POL00038852 (email from you to Rodric Williams on 5 October 2016), WBON0000465 (email from you to Andy on 5

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October 2016) and WBON0000467 (email from Andy to you on 5 October 2016).

8.1 Please consider the advice that "we would do what we can to avoid disclosure of these guidelines and try to do so in a way that looks legitimate. However, we are ultimately withholding a key document and this may attract some criticism from Freeths". Please explain the basis for this advice.

73. I should make clear that I now have no actual recollection of drafting the email of 5 October 2016, or of any part of the process of drafting it, or reviewing any changes made to it by Andy.

74. I have therefore had to look at the contemporaneous documents and do my best to assist the Inquiry with what I believe happened. My belief is that the drafting of this email would have followed the same pattern that I have described earlier in this statement, namely that first of all I would have had a discussion with Andy during which we would have agreed on an approach to be adopted (as guided and ultimately determined by Andy). At this time I had only been qualified as a solicitor for about three weeks and I cannot recall having any real intuition myself as to how wide-ranging requests for pre-action disclosure should be dealt with as I had no experience of this.

75. I believe that I would have read the relevant CPR rules and guidance within the White Book, done my best to understand the underlying principles and would have understood that pre-action disclosure is not intended to be as

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wide-ranging as full disclosure within a set of proceedings. I cannot recall at the time having any clear and developed views of my own as to where the line should be drawn and what should be voluntarily disclosed at the pre-action stage and what should not be. I believe that I would have required guidance on this from Andy and I believe that he may have given me such guidance either during a conversation before I made my first attempt at drafting the email now under scrutiny, or otherwise during the course of responding to the pre-action disclosure requests made by the Claimants in the Letter of Claim.

76. In late September 2016, I had been provided with a copy of the 2016 guidelines by POL and I am aware that WBD was instructed by Jane MacLeod (POL's General Counsel) that POL did not wish to disclose the 2016 Guidelines since they were not relevant to the claims being brought, due to the fact that they postdated the events of the group litigation.

77. I subsequently reviewed the 2013 POL investigation guidelines and on 4 October 2016 in an email to Andy entitled "FW: Horizon Dispute – Investigation guidelines" (WBON0002007) it was flagged a few places within them where Horizon was mentioned, including the passage which was reproduced in my email of 5 October 2016. I believe that it was at this point that Andy and I would have had a conversation about the approach to be taken to disclosure of the 2016 guidelines (in light of the information from Jane MacLeod) and the 2013 investigation guidelines, and what advice WBD should be conveying to POL about the Claimants' request for

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pre-action disclosure of the guidelines. I do not recall this conversation and this account is based on my recollection of the typical working practices between Andy and myself.

78. I can see from my drafting, and also from Andy's witness statement to this Inquiry, that his view (and that of Jane McLeod in respect of the 2016 guidelines) was that the 2016 and 2013 investigation guidelines which POL had so far been able to locate and provide to WBD were guidelines which post-dated the events in issue in the group litigation, and were not therefore relevant to those issues. As such, they did not fall to be disclosed at the pre-action stage.

79. I would have taken that information on board to the best of my ability and then attempted to convey it in an email to Rodric Williams, which I believe I had been asked to draft by Andy. I sent my draft email to Andy at 10.30am on 5 October 2016 entitled "Re: Disclosure of Security Investigations Guidelines" (WBON0000467) saying to him that I "*…would appreciate your thoughts/ comments on this.*"

80. Looking now at my drafting – which did not include the extract reproduced in this question - I can see what I was trying to say. Namely, that the 2016 and 2013 guidelines were not relevant due to them postdating the issues in the group litigation, there was no strict requirement to disclose these documents at this stage due to their irrelevance and/or the fact that this was a pre-action disclosure request, and that to provide the disclosure sought

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by the Claimants would require a full search to be undertaken which was also not required at a pre-action stage. However, I am embarrassed and disappointed at the way I went about trying to say it and some of the language I used. I was very young and inexperienced and not yet used to the formality of language which is required of a lawyer drafting an email providing advice to a client. I hope and believe that I would not draft an email now which was expressed so badly.

81. I do not have any embarrassment about the first two substantive paragraphs. Based on my recollection of the working practices between Andy and myself, I believe that we would have discussed the information that the email should contain and any contents of the guidelines which should specifically be brought to Rod's attention. The email flags that the 2013 guidelines contained guidance on how to respond to enquiries by SPMs during interview about the Second Sight review and that the SPMs might try to take a prejudicial point about that by pointing to it as an example of POL giving 'stock answers' to enquiries by SPMs and as evidence that POL had not addressed issues raised with it in the way that it should have done. I believe that the inclusion of this in the email would have been something which Andy conveyed to me in the discussion which I refer to above.

82. As to the third paragraph which begins "*Freeths will more than likely…*" – I regret now that I used the word "*spun*" because it is a word which can be viewed as having negative connotations. What I was trying to say was that

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Freeths might try to use this recommended response in respect of the Second Sight review in support of a general theme in their clients' case that POL did not address the concerns of SPMs in an appropriate manner. I should have put it in that straightforward way, instead of using the word 'spun'.

83. It is the next paragraph with which I am particularly unhappy, as it does not explain clearly what I was trying to convey, and it is worded extremely badly. I start by saying "*although we may face some criticism later on*", without explaining to the client whether the advice was that such criticism would be justified. My understanding was that any criticism would not have been justified, because the documents actually located so far were not in fact directly relevant to any issue in the group litigation, and did not properly fall to be disclosed at the pre-action stage, but that we wanted to advise the client of any area where criticism might potentially be raised in the future. This was because POL was a high-profile company and was (as I understood it) keen to be aware of areas where criticism might be made in the future.

84. I then say that WBD's proposal was to try to "*suppress*" the guidelines for as long as possible. With hindsight, I regard that as a terrible choice of words and I deeply regret that I chose it. What I meant was that the recommendation was not to disclose the guidelines which POL had located now, because they were not relevant to the group litigation issues, and that any disclosure exercise to track down the earlier guidelines should be

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parked until a later date. I understood at the time, and still believe now, that this was a legitimate approach. The use of the word "*suppress*", however, could be read as being suggestive of something which is not legitimate, and it was therefore a poor way of explaining our advice. I just did not appreciate this at the time, and was not experienced enough to appreciate the care which lawyers must take with the language of emails like this.

85. I also believe I must have taken some comfort from the safety blanket of my work being checked by my supervising partner - someone whose capability and judgment I trusted entirely. I am not seeking to blame Andy by saying this. I realise that every solicitor, no matter how newly qualified, has to apply their own judgment as best they can to their work. But I think I did believe that any rough edges in my language would be rounded off with the help and guidance of those more senior than me. I had no reason to believe that Andy would not look at my email carefully and amend it to make sure it did the right job in the right way.

86. I am conscious that this present witness statement, which I have drafted as a much more mature and experienced lawyer, after consultation with an independent legal team and in the knowledge of how important this statement is, stands in stark contrast to the unsophisticated email I drafted back in October 2016. I have learned a lot since then, and I want to really emphasise how raw and inexperienced I was.

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87. I cannot remember now whether I read Andy's amendments to my draft email – which was just to add a final paragraph – or not. The learning point he was making to me was in his covering email: "*try to always spell out exactly what is required from the client (even if that is nothing or a negative statement like below)*", and I think it likely that it was the learning point I would have focused on. If I read the extra paragraph at all it was probably quickly and really only to check it for typographical errors and understand the gist of it. I generally wanted to be efficient and move onto the next piece of work – there was always work to do – and so I believe it likely that my thought process was that the email was now in final form and I should send it out to the client as soon as possible. I did this by sending it to the client less than six minutes later, at 11.01am.

88. I did not believe then, and still do not believe now, that it was my job at that level of seniority to critically analysis the work of my supervising partner. If Andy had drafted a document then my job was not to second guess it or presume to know better than him. My job, as a very junior solicitor who had been qualified for only three weeks, was to send it out to the client quickly and efficiently.

89. I am therefore as sure as I can be that I did not spend any time absorbing or critiquing the paragraph which Andy had added.

90. Looking at the paragraph now, my view – without wishing any disrespect at all to Andy, who I still hold in high regard - is that it is very badly expressed,

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and also incorrect in some important respects. I do not believe it was correct to say that "*we are ultimately withholding a key document*". POL had not at that time located any 'key document' within the investigations guidelines. It had located only versions of that document which post-dated the events of the cases within the group litigation. It was possible that POL might in due course locate earlier versions of the investigations guidelines, which might be relevant in some way to the group litigation, but that was unknown at the time. I therefore do not agree that resisting pre-action disclosure of the investigations guidelines was something which merely "*looks legitimate*". I believed that it was legitimate. I am sure that I understood it at the time to be legitimate. I am sure that I understood that it was also legitimate to resist POL having to carry out wider searches at the pre-action stage in respect of the investigations guidelines. Nobody ever suggested to me that it was not legitimate and I would not have wanted to be a part of anything that was improper or illegitimate. Accordingly, Andy's phraseology here was incorrect.

91. I think what he may have meant when saying that the approach would be reviewed if "*we sense the criticism is becoming serious*" was that the carrying out of a further search for the investigations guidelines, namely for the guidelines which were in place at the times relevant to the group litigation, could be resisted unless and until there was real pressure to carry out that disclosure exercise within the litigation. But again he also expressed himself badly, whatever he meant.

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8.2 What concerns, if any, did (or do) you have about Mr Parsons' addition to your draft email in WBON0000467?

92. As I explain above, I did not have any concerns at the time about Andy's addition to my draft email, because I am sure that I did not consider it in a critical manner or believe that it was my job to critique it nor to question his approach.

93. Looking at it now, I believe, as I set out above, that it was expressed in an extremely unfortunate way and, as drafted, was incorrect in certain respects that I have identified above. I do not believe that the phraseology was appropriate to convey the advice which was being given and could have wrongly conveyed that something illegitimate was being recommended by WBD.

8.3 On reflection, do you consider this advice to have been appropriate?

94. I believe that the underlying advice was appropriate as the case was at the pre-action stage and my understanding of the relevant law was and remains that pre-action disclosure obligations are much more limited than those which arise once proceedings have been issued. No document which was actually relevant to the issues in the group litigation had been located by POL under the Investigations Guidelines category, and it was therefore legitimate for POL not to disclose the 2016 and 2013 guidelines or

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voluntarily carry out a disclosure exercise at a pre-action stage in respect of a document request of this nature.

95. My understanding that this was correct advice is supported by the fact that, as I recall and understand it, POL was never ordered in the group litigation to disclose the 2013 or 2016 investigation guidelines..

96. I have made clear above, however, that I feel that my language in the part of the email that I drafted left a lot to be desired and I have also made clear above that the paragraph which Andy added was badly drafted and incorrect in certain respects. I do not believe that it was appropriate for the advice to be couched in the terms which I have criticised above and I am sorry that I made mistakes in this respect which I feel that I did. I was very young and inexperienced and I have learned a lot since then. I am much more careful now in how I formulate my thoughts and express myself when communicating with clients.

Disclosure of KELs

9. Please describe any advice you gave to POL in respect of disclosing the KEL database.

10. Before you gave such advice, please set out what investigations you were aware of, including any communication with Fujitsu, in respect of the content of the KEL database.

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12. Please consider FUJ00219841 (Matthew Lenton's email to Steve Parker and Pete Newsome on 6 February 2018). Did Fujitsu ever inform you of the option of printing KELs to PDF?

97. I believe it is convenient to take questions 9, 10 and 12 together, and then question 14 immediately thereafter, as these questions are best answered by explaining the chronology of my involvement in respect of the disclosure of the KEL database. I have a broad independent recollection of some of the events set out below, but I have refreshed my memory by reading as many of the contemporaneous documents as I have been able to locate and consider in the time available, and those documents have triggered recollections about some of the other events which occurred.

98. I therefore set out below in detail my involvement in respect of disclosure issues which arose in respect of the KEL database. In summary, however I was not involved in the advice which was given to POL as to whether the KEL database should be disclosed, and I was not involved in drafting the relevant section of the EDQ which explained, for disclosure purposes, what the KEL database was. I became involved subsequently, as the case progressed, when questions arose relating to the KEL database.

99. I am aware that the SPMs raised the question of disclosure of a 'Known Error Log' in their Letter of Claim (of 29 April 2016), and that there were discussions between WBD and Fujitsu as to whether such a log existed, what it was, and how it should be dealt with in the Letter of Response (in

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July 2016). Subsequently there was correspondence with Freeths, and then the Generic Defence (July 2017), which concerned the relevance of the KEL and whether and when it should be disclosed to the SPMs. I have limited recollection of my involvement in these matters, however from a review of emails from this time I understand that my involvement in these matters to be:

a. I was not involved in the matters concerning the KEL database until around September 2016.

b. During September 2016, I was involved in assisting with considering the correspondence from Freeths concerning disclosure (of which one element was the KEL database). In respect of the KEL database, my involvement was to provide the first draft of a list of questions for Fujitsu that were designed to establish whether the KEL database existed and, if so, what it comprised, where it was held, and whether and how it could be extracted and provided to WBD. Answers to these queries were provided by Fujitsu and were used for the purpose of drafting a response to Freeths' request for disclosure of the KEL database. I was not involved in the provision of advice about whether the KEL database should be disclosed.

c. In the lead up to the service of the Generic Defence, I acted effectively as a post box to pass on to Counsel some information

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sourced from Fujitsu concerning the KEL database, so that the information could be used as Counsel saw fit for the purposes of drafting the Generic Defence (served on 18 July 2017).

100. Following the service of the Generic Defence, there was correspondence between Freeths and WBD concerning disclosure / inspection of the KEL database. My recollection is that I had some involvement in these matters, which involved attending calls with Counsel to discuss the approach to be adopted, and producing initial drafts of the letters to Freeths responding to their requests (under the supervision of Andy). This also involved liaising with Rodric Williams to obtain instructions from POL that the Claimants' expert could inspect the KEL at Fujitsu's offices in Bracknell, and liaising with Fujitsu to organise a date for the meeting (WBON0001959).

101. The position in respect of the KELs was reflected in Andy's 4th witness statement at paragraphs 33 to 41, which was dated 9 October 2017 (WBON0002008) and was served for the purpose of updating the court at the CMC of 19 October 2017. I would draw the Inquiry's attention to a particular paragraph of this document, as it answers in part the Inquiry's question 12. At paragraph 38 Andy says:

"I understand from Fujitsu that the Known Error Log cannot be easily downloaded as it comprises data that is stored on a database, rather than being a document in a conventional form. Unless one has the

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necessary database software, reading the data in the Known Error Log is very difficult. The alternative is to manually copy or print each entry, but this would produce poorly formatted material and would take significant time and work. Fujitsu believe that the best solution is for a person with appropriate expertise to read the Known Error Log on a screen at its offices where the information can be presented in a user-friendly format."

102. It can therefore be seen from this paragraph that Fujitsu had told WBD that each entry from the KEL database could be printed, and that WBD had informed Freeths of this fact.

103. A CMC was held on 19 October 2017. I can remember that in advance of this CMC there was a debate between the parties about how inspection of the KEL database should be provided. I believe that there had already been agreement about the principle that the KEL database would be disclosed; the difference of opinion was about inspection, with POL's position being (as set out in the part of Andy's witness statement that I have reproduced above) that the best way of providing inspection was for the SPMs' expert witness to attend Fujitsu's offices and inspect the database for himself. My recollection is that in the end there was agreement about this approach and the issue did not arise for argument at the CMC.

104. Following the October CMC my recollection is that inspection of the KEL database took place on 29 November 2017 by the SPMs' expert witness,

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Mr Coyne, visiting Fujitsu (after some back and forth about the terms of an NDA which Fujitsu wanted him to sign first), and then by Fujitsu exporting the KEL database electronically, in HTML format. This was provided to WBD, uploaded to an eDisclosure platform and disclosed to Freeths.

105. I was not present at the 29 November 2017 meeting but Fujitsu's note of it in an email from Pete Newsome to Andy and me of 30 November 2017 entitled "Re: Post Office Group Litigation – Known Error Log – Confidentiality Agreement – legally privileged" (WBON0001960) records that there was a demonstration to Mr Coyne of how the KEL system worked, that some keyword searches were applied to the KEL database, and a number of entries were printed and provided to Mr Coyne.

106. I do not recall at the time seeing any need to engage closely with precisely what was held in the KEL database, because my understanding was that Mr Coyne was to be granted access by Fujitsu to the entirety of that database and that he would look at whatever was within it he wished to. I did not have the impression that Fujitsu was trying to hide anything. I therefore had no concerns about the disclosure position in respect of the KEL database.

107. I have an actual independent recollection of the sequence of events set out above, although my recollection of the details has been greatly assisted by reviewing the documents I have located. I also have an actual recollection of the bombshell that was dropped by Fujitsu in October 2019

about there being a category of KELs that had not been disclosed (which I deal with in detail below). I did not have an independent recollection of the other parts of the sequence of events and have relied on the contemporaneous documents to trigger my memory of those events.

108. I have checked what the extent of my involvement was in respect of the drafting of the section of the EDQ which described the KEL database, because I have no independent recollection of the exact details of this. The position is that on 28 November 2017 I emailed Fujitsu to set-up a call to discuss their document repositories. The call was then set up for the morning of 30 November 2017.

109. On 29 November 2017 I sent an email entitled “FW: Legally Privileged – Fujitsu documents” to Andy and Michael Wharton (a junior solicitor assisting with disclosure) (WBON0001961) to ask them both to attend the call with Fujitsu the next day as I might not be able to. I also asked Michael to liaise with Fujitsu going forward to produce the Fujitsu schedule for the EDQ. I can see from this email that I was aware at this time of the existence of a ‘Known Error Log’ but said that I "*do not know what database / software hosts this*". I do not recall knowing anything beyond this about the KEL database at this time.

110. The call with Fujitsu then took place on 30 November 2017 at 10:30am. I do not think that I joined this call. I have no recollection of doing so, and at the same time I had calls with Kendra Dickinson (POL) at 10am and

Michelle Stevens (POL) at 11am to discuss disclosure and document preservation / collecting other information for the EDQ. I am aware from follow up emails that I did attend both of these calls, so I do not believe that I could have been on the Fujitsu call at 10.30am. I have seen nothing to suggest that I did join that call.

111. The part of the EDQ dealing with the KEL database was then drafted by the people who attended the meeting with Fujitsu on 30 November 2017, and I assume that they must have done so on the basis of their understanding of what they were told in that meeting by Fujitsu. On 1 December 2017, I was sent a first draft of the Fujitsu section of the EDQ by email from Michael Wharton entitled "FW: Legally Privileged – Fujitsu documents" (WBON0001962). The copy of the EDQ attached to this email was a link to the document stored in WBD's filing system and it has been updated since the version sent to me on 1 December 2017. As such, I am not able to view the version sent to me and the changes which I made to it.

112. In my email response to Michael (WBON0001962) I explained that I had "*made a couple of comments*". I am not able to now recall what these 'comments' were, but I do not believe that I would have changed anything substantive within the document; I certainly would not have amended any statement of fact which had been made about the KEL database, as I would have had no basis to make such a change, having no direct knowledge about that matter. I would have assumed that the relevant section was

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drafted on instructions received from Fujitsu and would not have amended it.

113. Following this, the Fujitsu section of the EDQ was sent to Andy for review. I am also aware that Fujitsu reviewed the EDQ before it was served on 6 December 2017, and raised no query or objection to the description in that document of the KEL database, which read as follows:

"The KEL only contains the current database entries and is constantly updated and so the current version will not necessarily reflect the version that was in place at the relevant time. The previous entries / versions of the current entries are no longer available.

The KEL cannot be easily downloaded as it is stored on a database. Even then, unless one has the necessary database software, reading the data in the KEL is difficult. The alternative is to manually copy or print each entry, but this would produce poorly formatted material and would take significant effort."

114. I also note that again the possibility was raised here of printing the entries from the KEL database.

115. On 22 December 2017, there was then a meeting with Freeths which I attended with Andy concerning the approach to disclosure at which we were asked to discuss with Fujitsu the issue of providing an index of entries on the KEL database, and how documents requested from that index by Mr Coyne could best be provided.

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116. On 28 December 2017 I sent an email to Fujitsu entitled “Re: Privileged - KEL entries" (WBON0001963) to report that:

“We had a meeting with Freeths last week and they mentioned that Jason Coyne would like to be provided with some of the KEL entries. Please could you let us know if you have any concerns with providing these to Jason and, so as we can narrow the number of entries requested, is it possible to provide us with an index of the KEL entries (both current and historic) so as Jason can choose the ones which he believes to be relevant?

In relation to providing these entries to him, we explained to Freeths that extracting the KEL entries is not a simple process and depending on how many Jason requests it may be difficult to do so in a manner which keeps the entries metadata intact. I think when you have previously provided us with KEL entries these have been screenshots. Do you have a method for extracting the entries in a way which maintains the metadata?”

117. I can see that I made clear to Fujitsu in this email that the index I was asking for was all KEL entries ‘both current and historic’. I do not remember having a clear idea as to what (if any) historic entries were available, but I wanted to make clear to Fujitsu that they should provide an index of all KEL entries they had.

118. Mr Newsome responded to me by email on 2 January 2018 (WBON0001963) to say that:

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"We gave printouts of the KELs requested by Jason on the day. We would be happy to supply others if he has the details. However we did not cover the KELs relating to the pre 2010 period of Horizon operation due to time and technical issues explained to Jason at the time. We could issue printouts of these requests as part of a repeat the (sic) face to face exercise."

119. I replied by email the same day to say:

"Whilst I think Jason would like to be provided with some further KEL entries, I am not sure that he knows which ones he would like to see. To avoid Freeths requesting the entirety of the KEL, is there a way to generate an index of the KEL from which Jason can the (sic) the entries he would like to be provided with?

Also, is there any way to electronically provide KEL entries rather than a printout?"

120. Mr Newsome then replied later by email on 2 January 2018 (WBON0001963) to say:

"We can send the printouts electronically by printing to pdf or file. I will check if we can produce an index electronically but it can be misleading."

121. On 3 January 2018 Fujitsu provided an index of the "Historic KELs" and on 4 January 2018 Fujitsu provided an index of the "Active KELs". I sent these indexes to Freeths on 5 January 2018. My understanding was that

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combined these indexes contained – as had been requested – all KEL entries held by Fujitsu, whether current or historic.

122. I can see from document FUJ00219841 that on 17 January 2018 I sent an email to Fujitsu entitled "Re: Legally Privileged: Known Error Log" to inform them that "*Freeths have asked if it is possible to provide Jason Coyne with all of the KEL entries (current and historic).*" Pausing there, I see that I made it clear to Fujitsu exactly what Freeths were asking to see, setting out in express terms that they had asked for access to both current and historic entries in the KEL database. Again I do not recall having a view at this time about whether there were any historic entries available; I was just passing on Freeths' request to Fujitsu. I did not think there was any room for doubt about what Fujitsu should be making available to Mr Coyne, i.e. the entirety of the KEL database, both present and historic.

123. I then in this email set out my understanding of the technical limitations of extracting entries from the KEL database. I cannot now recall where that understanding had come from, but suspect it was very likely from reading the relevant part of the EDQ or from subsequent communications with Fujitsu. In any event I was asking Fujitsu to clarify the position for me, and to let me know if there was any way that Freeths or Mr Coyne could be provided with a copy of the relevant software and thereby access the KEL database for themselves. I hope the Inquiry can see from this that I was trying to do all I could to facilitate access to the KEL database for the SPMs. It was never part of my intention – indeed it never crossed my mind – to

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restrict the SPMs' access to the KEL database or put barriers in the way of that access.

124. Pete Newsome then responded to my email on 30 January 2018 (still in FUJ00219841) to detail the reasons why Fujitsu was resistant to the idea of third parties being granted access to the proprietary software which was necessary to read the KEL database, suggesting that Mr Coyne visits Fujitsu a second time *"to view KELs*" (which I am sure I understood as being a reference to the entire KEL database) and "*print any that have some relevance to the case*". Mr Newsome also explained that the KELs would be hard to understand by anyone outside of Fujitsu as they contained acronyms and shorthand which was specific to that particular database; and that *"the KEL system was designed for individual usage via its web based interface and not for the mass export of information, however there is a print option within each KEL. A printed version may not necessarily stand alone. Some of the additional context gained from following the linkages to associated information is lost once the KEL is printed."*

125. Andy followed up for further clarification, and Mr Newsome replied (all on 31 January 2018 – still FUJ00219841. This culminated, as I informed Mr Newsome on 6 February 2018, with WBD relaying to Freeths the information which Fujitsu had provided "*and proposed due to the technical nature of this that Jason Coyne and Elevate (who are the Claimants' e-disclosure provider and manage the extraction of documents from the Claimants' IT systems) discuss directly with Fujitsu a practical way to*

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access the KEL that works for all parties." (still FUJ00219841). This seemed to me to be the most sensible way of dealing with disclosure of the KEL database, given the information provided to me by Fujitsu. I did not have any concerns about this at the time.

126. There was then a further CMC in the group litigation on 22 February 2018, and an order was made that POL provide disclosure of the KEL database, subject to a suitable means of inspection being agreed. My recollection is that this was not opposed by POL and was included in the order for completeness.

127. On 1 March 2018 there was a call between Fujitsu and Mr Coyne, which I also attended (along with Freeths, and the Claimants' eDiscovery provider) to take a note – my note of the meeting in an email to myself entitled "Notes from call with FJ, Freeths, Elevate, WBD and Jason Coyne" is at (WBON0001964). One of the matters discussed was access to the KEL database. My note includes a record of Mr Coyne saying the following:

"*viewed via web browser interfaces, hundreds if not thousands or (sic) KEL records which can viewed (sic). Once click then displayed in browser with problems comments. List of changes made to the document since first raised which builds on knowledge build by FJ. Good thing is that because in browser can press print and rather than paper print can print to PDF and produce a PDF version of KEL record. When at FJ did searching and printed approx. 100. Bit of a pain it is to (sic) unsurmountable process and*

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would expect this to be done for a couple of thousand. PDF of KEL in couple of days."

128. I can therefore see from this note that Mr Coyne was aware of the possibility of printing the KEL entries to PDF. It was agreed at this meeting that Fujitsu would provide a print to PDF document containing the KEL entries. It was however subsequently identified by Fujitsu that they could provide the KEL entries electronically in HTML format to Freeths and Mr Coyne, and this was perceived as a better option because the process could be automated and therefore less prone to error and quicker. All of this is recorded in WBD's letter to Freeths of 19 March 2018 headed "Known Error Log and Unfiltered Transaction and Event Data" (WBON0002016). Freeths subsequently agreed that the KEL entries should be provided in this format, and they were so provided by Fujitsu.

129. I also see from my note of the meeting in an email to myself of 1 March 2018 (WBON0001965) the following:

"JC – when withdrawn only a status indicator, they are archived so would want archived ones. Not just one KEL, split between legacy and HNG-X, would want both KELs.

Steve – 4,007 active and another lot on top of this which are archived. FJ to look into this."

130. I can therefore see that Mr Coyne raised the issue of archived KEL entries, made clear to Fujitsu that he wanted any archived entries, and Fujitsu took

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away an action point to look into this. So again I did not have any doubt that Fujitsu was aware that they were supposed to provide all KEL entries to POL for onward disclosure to Freeths/Mr Coyne.

131. An email was sent by Andy to Fujitsu on 5 March 2018 entitled "Re: Legally Privileged – Access to Information" (WBON0001966) to follow-up on the action points emerging from the meeting on 1 March 2018 (I see that the email refers to a meeting on 4 March 2018 which would have been a Sunday; I believe this to be a typo and that the email was intending to refer to the call on 1 March 2018). Action point number 4 was "*FJ to confirm the number of historic KEL entries and provide time and costs estimates for extracting all entries."* So again my understanding was that Fujitsu understood that their task was to identify and extract all KEL entries (including historic ones). By 23 March 2018 the extracted KELs had been provided to WBD and were subsequently uploaded to an eDiscovery platform.

132. I then checked specifically with Fujitsu in an email exchange with Matthew Lenton entitled "Re: Dimension Documents" (WBON0001967) that all KEL entries had been provided to WBD. On 23 March 2018 I emailed Matthew Lenton to say that a file named "KELComplete" had been uploaded to our data room. I asked him "*Please could you confirm if this contains all historic and current KEL entries?*" He responded the same day to say "*Amy, yes, that is correct*" (WBON0001967).

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133. I remember that before the KEL database entries were disclosed to Freeths, there was a review of them for privileged material. To identify potentially privileged documents, search terms were run across them and any KELs responsive to the search terms were reviewed for privilege. My recollection is that there were only a small number of responsive documents and so I undertook this review myself. No redactions were in fact made as no privileged material was identified and the KEL database was disclosed without any redactions.

134. One further point which arose in respect of the KEL database was the extraction of the metadata. On processing the KELs into the eDiscovery platform I became aware from the eDiscovery provider that the metadata (ie. date of the KEL, name of the KEL, etc) had not been extracted and provided. As such, during the course of April 2018 I worked with POL (Mark Underwood), Fujitsu and the eDiscovery provider to seek to resolve this issue and refer to an email chain 3 April 2018 to 5 April 2018 with Mark Underwood entitled "Re: Stage 2 Disclosure – KEL/Technical Documents" (WBON0001968). This was primarily guided by Fujitsu and the eDiscovery provider as to the options available given the specialist nature of the work. A solution was found and disclosure and inspection of the KELs was then provided to Freeths on 9 May 2018.

135. In the course of preparing this witness statement I have seen an internal email exchange between Fujitsu personnel from October 2018. I see that on 31 October 2018 Matthew Lenton emailed others at Fujitsu in an email

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entitled “FW: KEL request” (WBON0001969), under the email header ‘KEL request’ to say:

“*On that subject, I was about to pass on the request from WBD that we supply them with all possible retrievable KELs that we haven't previously supplied.*

Is it possible to provide clarity to them by retrieving all those that can be, and then a categorical statement that all others really are deleted beyond retrieval?”

136. This exchange was prompted by an enquiry from Lucy Bremner, an associate at WBD working on the Horizon Issues Trial, which I was not aware of at the time. As part of the Horizon Issues trial preparation, the WBD team were producing summaries and document packs for Counsel for a number of the Horizon bugs. As part of this work, on 11 September 2018 a request was made to Fujitsu to confirm whether KELs existed for the Calendar Square bug. I refer to an email chain between 12 September 2018 and 11 October 2018 between Fujitsu and WBD entitled "Re: Calendar Square, Falkirk” (WBON0001970). The response from Fujitsu on 28 September 2018 to WBD confirmed that "*The two related KELs were deleted….so would not be included in the set of KELs which you have*." Copies of these KELs were provided to WBD, and subsequently to POL's expert witness (Mr Worden). Mr Worden raised a number of queries about

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the deleted KELs, which were passed onto Fujitsu by WBD on 11 October 2018. This resulted in Matthew Lenton confirming that:

"4. Are all deleted KELs available in a searchable archive? I assume that text could, in principle, be retrieved from other KELs.
[Matthew Lenton] They are not text searchable in their current location, but all deleted KELs can potentially be retrieved, although this would require additional time and effort to do, after which those retrieved would then be searchable. It is believed that all deleted KELs are still in the archive table." (WBON0001970)

137. This led to a request to Fujitsu on 29 October 2018 for all of the deleted KELs to be provided to WBD, and Fujitsu provided a zip folder named "KELDeleted" to WBD on 5 November 2018. I refer to the email chain between 24 October and 29 October 2018 between Lucy Bremner and various at Fujitsu entitled “Re: Deleted KELs” (WBON0001971).

138. As further explained below, my understanding is that as at late October 2018 WBD were not aware of there being any other categories of KELs in addition to the deleted KELS that had been omitted from the documents provided by Fujitsu. As such, it makes sense that the request to Fujitsu was for all of the deleted KELs to be provided. However, from Matthew Lenton's email of 31 October 2018 it appears he was aware – and made clear to others at Fujitsu - that what WBD were asking for was all possible retrievable KELs which had not previously been supplied. This accords with

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my understanding of what WBD had always required of Fujitsu in respect of the KEL database.

139. There was then a query on 10 December 2018 from Freeths, who said that they had identified 936 KELs disclosed on 9 May 2018 that were not included in the indexes of the KELs provided to them on 5 January 2018, which they thought was exhaustive. They asked POL to confirm the status of those 936 KELs and why they were not included in the 5 January 2018 index.

140. I took up this query with Matthew Lenton by email on 12 December 2018 entitled “KEL Index” (WBON0001972):

"Back in January of this year you provided us with two indexes of the KEL, an historic and active index (both attached). We have noticed that there are a number of KEL entries which were in the KEL extraction, but not contained within either of these indexes – a list of these KEL entries is also attached.

From a brief review, the KEL entries which are not in either of these indexes have a wide date range between 1999 and 2018 so I don't think the entries were generated after the indexes were produced. Please could you have a look into whether there is a reason that the extract contained more KEL entries then were listed in the indexes?

141. He provided a short email response on the same day, which I found very hard to understand and referred to a second extract of the KELs being

provided on 5 November 2018 (WBON0001973). I raised a query within the WBD team working on the Horizon Trial as to whether WBD had been provided with an extract of KELs on 5 November 2018 and if so, whether these had been disclosed. I recall that my concern was that WBD may have available to it KELs which had not been disclosed to Freeths. It was confirmed by Lucy Bremner that further KELs had been provided by Fujitsu to WBD in a folder named "KELDeleted" and these had not been disclosed.

142. My memory of this incident has been refreshed by reading the documents, and I can now recall that I was surprised and annoyed that this had occurred. It was a function of there being a large team at WBD working on different aspects of the group litigation, and the team which was involved in drafting witness statements (which did not include me) having received documents during that process which had not then been passed on to the team dealing with disclosure (which did include me) to be checked for disclosure purposes. I wanted to ensure that this did not ever happen again, and so a process was put in place whereby any documents received from POL or Fujitsu would be sent to the disclosure team following which they were checked to confirm had been disclosed, and if not disclosed then they were inserted into a disclosure tracker to ensure that they did not get missed.

143. In order to try to understand the position better in respect of the KEL database, I believe I read the witness statement of Mr Stephen Parker

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dated 16 November 2018 (WBON0001974), and in particular paragraph 61 of that document.

144. I followed up with an email to Mr Lenton on 19 December 2018 entitled "Re: KEL Index" (WBON0001975) to check that I was understanding his response properly. I then had an email exchange with my colleague Lucy Bremner who asked me (on 20 December 2018) for any comments I had on the question of whether the deleted but retrievable KELs needed to be disclosed. I replied on the same date by email entitled "Re KELs" (WBON0001976) to say that "*My thought is that we need to disclose the deleted KELs – the Cs case is that they are adverse documents so I don't think we have an option*."

145. I sent a chaser to Mr Lenton on 4 January 2019 in an email entitled "Re: KEL Index" (WBON0001977). After a further chaser Mr Lenton then confirmed on 11 January 2019 that my understanding was correct, and a letter was sent to Freeths on 17 January 2019 headed "Horizon Issues Trial: Disclosure and Trial Bundle" (WBON0002009) answering their query about the KEL indices, and explaining:

> Deleted KELs
>
> *"10.1 The extraction of KELs which was provided by Fujitsu in March 2018 did not contain the deleted KELs and Fujitsu did not make us aware at that time that some KELs had been deleted.*

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10.2 Fujitsu have now provided us with copies of the deleted KELs and disclosure /inspection of these documents is now being provided. The documents are contained within the enclosed KEL Disclosure List. None of the deleted KELs have been redacted or withheld from inspection on the basis of privilege."

146. It was clearly far from ideal that there was a category of KEL which had not previously been disclosed, but my understanding was that this had now been remedied. It did not occur to me that there was or could be another category of KEL which had not been disclosed by Fujitsu. Disclosure of the deleted KELs (along with KELs generated since the first export in March 2018) were provided to Freeths on 17 January 2019.

147. Mr Coyne served a supplemental expert report on behalf of the SPMs on 1 February 2019, which referred to a number of PEAKs and KELs that had not been disclosed. This was obviously a concern and we had to try to get to the bottom of this as quickly as we could. My colleague Lucy Bremner sent an email to Mr Lenton on 6 February 2019 entitled "Re: Peaks/Kels which have not been disclosed but referred to by Coyne" (WBON0002010) asking for an explanation. He responded the same day, concluding by saying that "*The KELs listed below are all deleted rather than deprecated or archived, and are therefore not retrievable.*"

148. I then followed up with further questions on 13 February 2019, and Mr Lenton answered them on the same day, copying in two of his colleagues

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at Fujitsu, as well as Andy, Lucy Bremner and Jonathan Gribben of WBD. The email chain between 6 February and 19 February 2019 entitled Re: Peaks/Kels which have not been disclosed but referred to by Coyne" (WBON0001430). I reproduce the email in full below because it is crucial to understanding whether I or WBD should have been put on notice at this time that Fujitsu had around 5,000 further KEL entries which they had not disclosed to Freeths:

"Apologies, if you have explained these points before but please could I clarify a couple of queries on the Known Error Log:

1. PinICL system – it is correct that the PinICL entries are stored on an access database which is accessible?

[Matthew Lenton] There are two Access databases that contain some details of archived PinICLs, but they were created some years ago by someone who has been retired for several years, and our understanding is that they appear to be incomplete both in terms of a) not containing all of the original information that was stored against those PinICL details that they do contain, and b) not containing between them all of the PinICLs that existed. We are not sure of the criteria that was used for selecting the PinICLs to be archived. We have provided details of some PinICLs, but for the reasons given above, we don't believe that it is necessarily reliable.

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2. Deleted KELs - are not retrievable? Or were provided to us on 5 November 2018 (see attached email chain – email on 12 Dec @ 16:30)?

[Matthew Lenton] There are two categories of Deleted:

a) Deleted KELs that are no longer retrievable due to being completely deleted, before SSC started saving them into a "Deleted table". These cannot be provided, and if a KEL is referred to by us as not being retrievable, and, I believe, all KELs that are referred to in Coyne's report as not having been disclosed, then they fall into this category.

b) Deleted KELs that are retrievable due to being deleted into a "Deleted table". These would no longer be included in any SSC searches, even by changing the default search criteria as described in 3 below. We believe that the functionality to save a deleted KEL was introduced in July 2008; however, the dates of KELs within the deleted table are based on when the KEL was created, rather than when it was deleted, so it is not completely clear when the change occurred (and noting that there could be retrievable KELs in that table which we have provided that are older than KELs that are not retrievable, due to when they were deleted). This is the set we provided in November.

3. Deactivated KELs – these were provided to us in the extract in March 2018, or on 5 November 2018?

[Matthew Lenton] These are KELs that have not been deleted into the "Deleted table" but are excluded from SSC's default searches, which

focus on Live KELs, but can be included easily by changing search criteria. These were provided in the original set in March.

4. Deprecated KEL - these were provided to us in the extract in March 2018, or on 5 November 2018?

[Matthew Lenton] When a KEL is updated, the old version of that same KEL is deprecated, so these are superseded versions of live or deactivated KELs. We have only provided the most recent versions, so we have not separately provided these superseded versions. Note that there are no deprecated versions of KELs in the category 2a) – i.e. if a KEL was deleted prior to the introduction of the Deleted table function then all versions were deleted."

5. Live KELs – these were provided to us in March 18 and December 18.

[Matthew Lenton] These were provided in March, with those in category 3 above.

6. Other KELs – are there are other types of KELs which do not fall within the above catergories?

[Matthew Lenton] No, the above categories 2 to 5 cover all KELs."

149. My focus at this time was on understanding the documents referred to in Jason Coyne's report which had not been disclosed and the two different types of "Deleted KELs".

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150. From reviewing my emails from this time, I am aware that the existence of the deleted irretrievable KELs was a new category of KELs which had not previously been brought to the Claimants' attention and there was a question as to whether this made the information within Stephen Parker's first witness statement materially incomplete. On 18 February 2019, I sent an email entitled 'Re: Letter to Freeths – KEL and PEAKs" to Simon Henderson (Counsel for the Horizon Issues Trial) (WBON0001978) with a copy of the draft letter to Freeths for his review concerning the Peaks and KELs referred to in Mr Coyne's second report which had not been disclosed. This email brought to Simon's attention that there were two categories of deleted KELs. Simon raised a concern that we would be informing Freeths that a further category of KELs existed (the deleted, irretrievable) and queried whether this was consistent with Stephen Parker first witness statement (which dealt with the deleted KELs). Simon's view set out in an email dated 18 February 2019 entitled "Re: Letter to Freeths – KEL and PEAKs" (WBON0001979) was that we should be clear with Freeths that the irretrievable KELs were in addition to the deleted KELS referred to in Mr Parker's statement and address this matter in Mr Parker's third witness statement ("**Parker 3**"). I am now aware that this matter was not in fact addressed in Parker 3, although I do not know the reason for this as I was not involved in the production of the witness evidence for the Horizon Issues trial.

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151. I followed up to Matthew Lenton by email on 18 February 2019 entitled "Re: Peaks/Kels which have not been disclosed but referred to by Coyne" (WBON0002011) to ask: "*Do you know how many KELs would fall within the category "deleted but no longer retrievable"*? Matthew then responded to say that *"There is no list of those KELs that were deleted beyond retrieval, i.e. those in category 2.a) in the email below, therefore the existence of such a KEL can only be surmised by it being referenced elsewhere (that is, on the assumption that any such reference has been typed correctly.)"*

152. A letter was sent to Freeths on 18 February 2019 headed "Disclosure – Peaks and KELs" (WBON0001429) which explained that "*In our letter of 17 January 2019, we provided disclosure of the "Deleted KELs" referred to in Mr Parker's statement. The above KELs are thoughts to be KELs that have been irretrievably deleted, a long time ago, from the Known Error Log*."

153. I did not, at the time I received these emails from Mr Lenton in February 2019, understand him to be saying to me that there were any – let alone anything amounting to a significant volume – of KEL entries which had not been disclosed by Fujitsu. These emails were in the context, as Mr Lenton was aware, of an assertion by Mr Coyne that certain KELs had not been disclosed to him, and (as I have set out in detail above) it had been made clear to Fujitsu on multiple occasions that they had to disclose every KEL entry they were in possession of.

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154. At this stage, we were trying to understand the variety of terms or "language" which Fujitsu used to describe the KELs and why there were Peaks and KELS referred to in Mr Coyne's report that it appeared had not been disclosed, as well as the existence of a second type of deleted KEL. The answer to that was – as Mr Lenton confirmed to me - that the KELs Mr Coyne referenced had all been deleted and could not be retrieved. As such, there did not appear to be a gap in the disclosure of the KELs. It did not occur to me that it was possible, in this context, that Fujitsu had any KELs that they had not disclosed. As I set out below, it came as a huge shock to me when we discovered that this was the case.

14. Please consider POL00285493 (your email to Rodric Williams, Catherine Emanuel and Alex Lerner on 1 October 2019) and FUJ00215645 (Matthew Lenton's email to Steve Parker and John Simpkins on 15 October 2019).

14.1 Please provide your recollection of these discussions

155. I do remember in general terms the events referred to in document POL00285493 (POL00285493), because they were a real shock to me, and to everyone else at WBD who was working on the group litigation, but given the complexities of the KEL disclosure and the time that has passed, I do not recall all of the specific details. In responding to this request, therefore, I have looked at the documents referred to by the Inquiry and other

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documents that exist from this period to which I refer below to refresh my memory.

156. In late September 2019, we had been corresponding with Freeths about POL's ongoing disclosure obligations and the disclosure of KELs and PEAKs which had recently been produced by Fujitsu (see Letter to Freeths dated 25.09.19, “Horizon Issues Trial – Disclosure” (WBON0001654), Letter to Freeths dated 27.09.19, “Horizon Issues Trial – Disclosure” (WBON0001655) and Letter from Freeths dated 27.09.2019, “Horizon Issues Trial – Disclosure” (WBON0001980). I should make it clear that these were documents which had been created after the original disclosure dates, so did not give rise to concern on WBD's part that historic KEL entries had not been disclosed.

157. I refer to the bottom of page 4 of the letter dated 27 September 2019 (WBON0001655) in the section entitled "Previously disclosed KELs" from Freeths where they stated:

“The KELs do not disclose, on their face, what has been added when, merely when they were last updated. For example, GelderR1012Q was created on 28 January 2016 and [check] was disclosed in January 2019; it was last updated by Steve Parker on 19 September 2019. However, the intervening dates of any changes to this KEL are not captured, nor are any changes which have been made (or made and then subsequently revised) readily identifiable on the face of the document."

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158. In responding to this section of Freeths' letter, I thought it was helpful to refer back to the information in POL's EDQ, as this was information that had been given to Freeths back in December 2017, so I pointed out to Lucy what had been said in the EDQ about previous versions of the KELs in an email dated 30 September 2019 entitled "KEL preservation" (WBON0001980). A draft letter to Freeths was produced by Lucy Bremner dated 30 September 2019 (WBON0001981) which was sent to Andy and me for review. In my comments on the draft letter I suggested to Lucy that we should confirm the accuracy of the statement in the EDQ concerning the KELs with Fujitsu. As I have given a flavour of above in the previous section of this statement, and as I recollect on a general level, there was a concern that we had found it less than easy to get answers from Fujitsu which were easy to follow and completely accurate. As such, I thought it was prudent to double-check with Fujitsu the information that had previously been provided to us.

159. I refer the Inquiry to the draft letter circulated to POL and Herbert Smith Freehills (WBON0001982) which stated:

"2. Previously disclosed KELs

In respect of your point that any intervening dates of changes to KELs are not captured, nor any changes which have been made (or made and then subsequently revised) on the face of the documents, you have already been made aware of this position in our client's Electronic Documents

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Questionnaire dated 6 December 2017 {C9/1/46}. In it, Post Office explained that "[t]he KEL only contains the current database entries and is constantly updated and so the current version will not necessarily reflect the version that was in place at the relevant time. The previous entries / versions of the current entries are no longer available". Had you wanted to take issue with this, you should have done so before now"

160. On 30 September 2019 Lucy Bremner contacted Fujitsu in an email to Matthew Lenton entitled "KELs – query" (WBON0000325) to confirm that the above statement was correct and I refer the Inquiry to. Matthew Lenton responded by email on 1 October 2019 (WBON0002012) as follows:

"The second sentence is not correct: "The previous entries / versions of the current entries are no longer available". You may recall that there are three status categories of KEL: current, deprecated and deleted. For those that are current or deprecated, they have been updated in such a way that previous content is not permanently overwritten, but instead a new version is created, with the previous versions being retained and accessible. For those that have been deleted, only the last version at the point of deletion has been retained."

161. On 1 October 2019 I spoke to Matthew Lenton by telephone. I do not now recall this call or who else joined me on it. I think it may just have been me on the call but I have reviewed the notes of the meeting which is in an email to Andy and others at WBD entitled "FW: KELs – query" (WBON0000137)

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which record that prior versions of the KELs were available and could be extracted. This was a real shock to me. It differed from the information contained in POL's EDQ which had, as I have indicated already, been produced on the basis of Fujitsu's instructions and which the WBD team had asked them to check. This also differed from my own understanding of the position. I thought – for reasons which I have explained above – that Fujitsu was well aware of the importance of disclosing all KEL entries which they held. I had no idea that they had a category of KEL which they had failed to disclose. I am aware from conversations at that time with my colleagues at WBD that no one had appreciated that there was a category of KEL which Fujitsu had not disclosed.

162. WBD sought advice from Counsel, Simon Henderson by email on 1 October 2019 entitled "Re: Horizon Issues Trial – KEL disclosure" (WBON0001983), on how to deal with this matter. Despite the fact that this was clearly a significant issue, I do not now recall the details of this call but from the documents it looks as though I spoke to Simon Henderson by telephone as I then sent an email to myself on 1 October 2019 which is how I tended to record call notes (WBON0001984) and I then prepared a formal note of the call which can be seen in an email to Andy and others at WBD entitled "Note of call with Simon Henderson" (WBON0001985).

163. Following my call with Simon Henderson, I sent an email to Andy on 1 October 2019 entitled "Re: KEL progress" (WBON0001986) updating him on the steps that I was taking.

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164. This resulted in my draft email to Andy on 1 October 2019 at 17:27 entitled Re: Horizon disclosure" (WBON0001987) and the revised letter to Freeths (WBON0001988) which includes tracked changes which show the amendments to the original draft of the letter, which was approved by Andy in an email of the same date (WBON0001989) and then sent to Herbert Smith Freehills and POL by email on 1 October 2019 entitled "Re: Horizon disclosure" (WBON0001990). The approach that I had agreed with Andy and the proposed email was approved by Herbert Smith Freehills in an email of the same day (WBON0001991).

165. A call was arranged between Herbert Smith Freehills, the WBD team and Counsel on 2 October 2019 and I refer to the documents at (see draft email to Tony Robinson QC in the email chain of 1 and 2 October 2019 entitled 'Re: Draft email to TRQC – KEL Disclosure" (WBON0001992) and the email as sent at (WBON0001993) and the call notes entitled: "Notes from Horizon Issues Disclosure – KEL – Conference call – 2019.10.02" (WBON0001994). The note of the meeting with Counsel was produced by Hannah Chalk who was a solicitor apprentice in the WBD team at the time. I do not have any independent recollection of this meeting.

166. Following the call, a revised version of the letter to Freeths was circulated to Counsel, Herbert Smith Freehills and POL by email on 2 October 2019 entitled , "Draft letter to Freeths – KEL Disclosure" (WBON0001995), and there were then further revisions made by Tony Robinson KC in an email on 3 October 2019 (WBON0001996).

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167. This resulted in the letter to Freeths of the 3 October 2019 headed “Horizon Issues Trial Disclosure” (WBON0002017) informing them of this matter. We were keen to get the message across in this letter that this development was as much of a surprise to WBD and POL as it was to Freeths, because that was the truth of the position and in the WBD team we were shocked that this position had occurred.

Document FUJ00215645

168. Before the Inquiry made their request of me, I had not seen the internal emails between Fujitsu but I have now reviewed them for the purposes of responding and providing this statement.

169. On 11 October 2019, we received a letter from Freeths headed "Horizon Issues Trial: Undisclosed KELs” (WBON0001997) in which they responded to WBD's letter dated 3 October 2019 to which I have referred above. I sent this letter to Fujitsu on 15 October together with a list of questions which were aimed at enabling WBD to draft a response to Freeths. Before sending this email, however, I showed it to the internal team at WBD which included Andy in an email chain between 14 and 15 October 2019 entitled “Re: Draft Email to Freeths – KEL69Disclosure” (WBON0001998).

170. Matthew Lenton provided responses to those queries by email on 15 October 2019 at 17:07 entitled “Re: KEL Disclosure” (WBON0001999).

171. Document FUJ00215645 appears to me to be the internal Fujitsu discussions which took place in response to the questions that I had raised.

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In summary, therefore, and in response to the Inquiry's question, as this was an internal Fujitsu discussion I have no recollection of these discussions myself as I was not involved in them.

14.2. To what extent do you agree with Mr Lenton's statement that "it has been known to all parties for a long time that the deprecated/superseded versions of non-deleted KELs area (sic) available, but we were never asked for them until recently"?

172. In reading document FUJ00215645, I see that the text reproduced in question 14.2 is preceded by the words *"I think we might argue that the original statement was wrong and based on a misunderstanding, and that…*" It therefore seems to me that what follows is an argument by Mr Lenton, rather than a straightforward assertion of fact. This interpretation is supported in my mind by what then appears later in the same email and further down the chain, which looks to me like Mr Lenton trying to put together an argument that Fujitsu had been transparent about the fact that there was a category of KEL that had not been disclosed.

173. It should be apparent from all that I have said above that I do not agree with Mr Lenton's argument. I believe – on the basis of the documents I have referenced earlier in this statement - that it was always made clear to Fujitsu that they were being asked to provide to POL every entry they had from the KEL database, and it seems to me to be clear that Matthew Lenton had

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understood that himself as at 31 October 2018. I do not believe that Fujitsu ever made it clear to WBD before 1 October 2019 that they had not done so.

11. Please describe your/your firm's relationship with Fujitsu, and in particular whether you found Fujitsu to be transparent and willing to provide the information POL/WBD needed for the purpose of the group litigation. Please provide reasons for your answer.

174. As I have set out in detail above, there was one area in which I do not believe Fujitsu was transparent in respect of the information it was providing, namely in respect of the KEL database and its failure to tell WBD that there was a category of KEL entry which it had not disclosed.

175. I am not able to say if this lack of transparency was deliberate. I can, however, say that at the time I was involved with this case I did not form the view that anyone who I dealt with at Fujitsu was ever deliberately difficult, obtuse or obstructive.

176. It was my understanding that POL held very little information or documents about the technical elements of the Horizon system. It was also my understanding that POL did not have any internal knowledge or people who, so far as I was aware, fully understood all of the technical workings of the Horizon system. As a result, POL and consequently WBD, was reliant on Fujitsu to provide the technical detail, factual information and documents in relation to the Horizon system.

177. This understanding came as a result of sharing an office "pod" with Andy and discussing the Horizon system and Fujitsu throughout the group litigation with him. This understanding also came from my work on disclosure for the group litigation during which WBD faced difficulties in locating documents concerning the technical elements of Horizon from within POL.

178. Prior to October 2019 and the issues with the KELs I deal with above, I did not believe I had any reason not to rely on the information provided by Fujitsu. Fujitsu were a well-known, respected IT company who were specialists in Horizon (having developed and built the system). Further my recollection is that Matthew Lenton was introduced to WBD as a dedicated archivist / document management personnel within Fujitsu who would be well placed to provide WBD with information concerning documents about the Horizon system. It was not until the issue arose in respect of disclosure of previous versions of the KELs, to which I have referred earlier in this statement, that it became apparent to me that there was a problem with the information which Fujitsu had provided.

179. I suspect that one reason for the problem which emerged was that Matthew Lenton did not have sufficient knowledge of the working practices around Horizon (such as the practices which lead to the creation, revision and replacement of KELs) to answer all of the questions put to him. This is my interpretation of why he did not ensure that proper disclosure of all of the entries on the KEL database was provided. This is only my

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interpretation though and I cannot of course be sure about the reasons for Fujitsu's failings in respect of this aspect of disclosure. Fujitsu did not, as far as I am aware, ever suggest that Matthew Lenton lacked adequate knowledge to assist with disclosure, and did not suggest to me (again so far as I recall) that queries in respect of the KEL database should be put to someone else within their organisation.

13. Please consider FUJ00158227 (your email to Chris Jay, Steve Parker, Torstein Godeseth and Pete Newsome).

13.1 Why did you advise Fujitsu staff not to "mention Deloitte or the work they have undertaken"?

180. Again, I have no actual recollection of sending this email in March 2018. I do, however, remember that Deloitte had been appointed to undertake work on a privileged basis in connection with the group litigation. I am not sure that I gave detailed consideration at the time to the exact scope of this privilege, but given the circumstances would have been aware that litigation privilege may be applicable and had a potentially wide application – I was very junior and as explained below was asked by Andy to raise this with Fujitsu.

181. My understanding is that Deloitte were instructed to advise as a non-CPR expert, so that POL and WBD could obtain advice on certain technical matters. Given that this retainer was on a legally privileged basis and any advice provided by Deloitte was legally privileged, I understood that it was

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important that such privilege was not lost inadvertently by someone mentioning this advice in an open forum when discussing matters with those representing the SPMs.

182. The direct context of my email is that there was a telephone call scheduled for 1 March 2018 between WBD, the Claimant's expert (Jason Coyne), Freeths, the Claimants eDiscovery provider (Elevate) and Fujitsu to discuss the logistics of Mr Coyne accessing the Horizon system for the purposes of his work in the group litigation. Prior to the call I sent two draft emails to Andy. The first contained an agenda for the call and the second contained the scope of the call. I was asked by Andy in an email on 1 March 2018 timed at 09:54 entitled "Re: Draft Emails – Call with FJ" (WBON0002000) to remind Fujitsu in my second draft email that on this call they should not mention any work carried out by Deloitte. I am sure that my understanding of the purpose of this instruction was to ensure that legal privilege in Deloitte's work was not inadvertently waived by Fujitsu as those attending the call for Fujitsu were, as I understood it, technical IT people and not lawyers and might well therefore not understand that Deloitte's work was legally privileged and the wider implications of referring to it.

183. In short therefore I sent the email in question to Fujitsu because I was instructed by my supervising partner Andy to do so. The purpose of the email was to ensure there was no inadvertent waiver of privilege by Fujitsu in respect of the work of Deloitte in the forthcoming call with Mr Coyne and Freeths.

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13.2 What work were you referring to?

184. I do not believe that I had any particular work or workstream by Deloitte in mind when I sent this email. Andy had not identified any particular work by Deloitte when instructing me to send the email to Fujitsu. I believe I had only a very general understanding at the material time that Deloitte had undertaken a number of pieces of work for POL on a legally privileged basis.

185. I had very limited interactions with Deloitte and can remember nothing specific about the work which they undertook. My limited recollection is that Deloitte were involved in undertaking work relating to the operation of POL's suspense account, remote access to Horizon and the robustness of Horizon. I was not at all close to the details of any of that work. I believe that the instruction of Deloitte was managed by Jonny Gribben of WBD. I do not recall whether I was referring to any specific work in the email in question but believe it likely that I was not, and that rather I was just intending a generic reference to the work carried out by Deloitte on topics covered by the group litigation (as all such work was, as I understood it, on a legally privileged basis).

13.3 On reflection, do you consider that to have been appropriate advice?

186. I was instructed to provide the advice in the email of 1 March 2018 by Andy (WBON0002000).

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187. I did not doubt at the time that this was appropriate advice, as my understanding was that the work which Deloitte were undertaking which related to the topics covered by the group litigation was covered by legal professional privilege, which POL was entitled to protect and which it was appropriate for WBD, as POL's legal advisors, to advise them to protect.

188. I am not close now to the details of the work Deloitte were carrying out, but as far as I am aware, and having reflected on the position, I am not aware of any reason why it would have been inappropriate to ensure the protection of the legal privilege attaching to Deloitte's work.

189. On reflection therefore, I consider the advice given to have been appropriate in circumstances where the work which Deloitte was instructed by POL to undertake was covered by Legal Professional Privilege and was not intended to be disclosed.

Common Issues trial

15. Please summarise the nature and extent of your involvement in preparing for the common issues trial, with particular reference to the following issues:

15.1 The assertion of privilege in redacting documents

190. My recollection is that there were very few documents in respect of which there were redactions for privilege. I have set out earlier in this statement the approach to reviewing documents for the purposes of disclosure. I was

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a second stage reviewer but any question in respect of privilege on which I was not entirely sure or which was not straightforward would be sent to Andy. I cannot recall anything specific arising in respect of privilege save for the issues which arose in respect of (1) an Action Summary paper which was prepared by POL as a result of work carried out by Deloitte, with the codename of Project Zebra; and (2) the re-review of redactions by Counsel in March 2019 (which is dealt with in response to the Inquiry's question 19).

191. As I have mentioned earlier in this statement, it was made clear to me that Deloitte's work was privileged. My recollection is that we set-up highlights in Relativity (the online platform we were using for the disclosure exercise) for words which would indicate to a reviewer that a document might be privileged. I believe that "Zebra" and "Deloitte" were words in this category, and that wherever they appeared in a document they would have been highlighted so that a reviewer would realise that the document they were reviewing might be privileged.

192. I believe that I first came across an issue arising from this on 24 July 2018, when my colleague Michael Wharton sent me an email entitled "Doc 151077630" (WBON0002001) to say that he had come across a document which referred to Project Zebra and Deloitte.

193. I then had to familiarise myself in general terms with what Project Zebra was and the document in question. I believe that I would have spoken to Andy about the document and then I referred the issue on to Counsel,

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sending an email on 25 July 2018 to Tony Robinson KC and Simon Henderson entitled Stage 3 Disclosure – Project Zebra" (WBON0001264) in the following terms:

> *"Linklaters recommended that Deloitte undertake a review of the integrity of Horizon – this review is known as Project Zebra and a copy of Deloitte's report is also attached.*
>
> *Whilst Deloitte's report itself is covered by privilege and the Cs do not know of the existence of this report, we have come across an ancillary document which followed on from the report and discusses how to implement the findings within the business. This document falls within one of the Stage 3 Disclosure Classes and we are concerned that we are not able to assert privilege over this document (or privilege would be limited to those sections which refer to the Deloitte Report directly). I have attached the email chain but the document of interest is the Zebra Action Summary attached to the email.*
>
> *We would welcome your thoughts on whether privilege can be asserted over the Zebra Action Summary, if parts of the document can be redacted for privilege or if the full document needs to be disclosed."*

194. I then liaised with Counsel, passing on his queries to Rodric Williams at POL, getting to the bottom of the factual issues which arose in respect of how and why the Deloitte report was commissioned and to whom it was addressed, and passing this information on to Counsel, who then advised

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about how the action summary document should be redacted. I then applied the redactions to the document in Relativity.

195. I and WBD accordingly relied entirely on Counsel's advice in respect of these redactions on the basis of privilege.

196. In October 2018 (in the lead up to the Common Issues Trial which took place between 7 November and 6 December 2018) Freeths raised some concerns about the redactions that had been made to a number of documents, including the Zebra action summary report. On 23 October 2018 I explained to Counsel by email entitled "Freeths correspondence re POL redacted documents" (David Cavender KC, Owain Draper and Gideon Cohen) (WBON0002013) about the redactions that had been made and told them that Freeths had asked for Mr Cavender KC to review the redactions. I spoke to Owain Draper and Gideon Cohen on 23 October 2018, and after that call, and discussing it with Andy (who also looked again at the redactions) I wrote a letter to Freeths later the same day (WBON0002002):

"As per your requests, Mr Draper and Mr Cohen (junior trial Counsel) have reviewed the redacted documents and confirmed that the redactions have been correctly applied on the basis of legal advice and litigation privilege. The redactions have also been reviewed by the partner in charge of this litigation, Mr Parsons.

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As you will appreciate it is difficult for us to provide further information on the redacted data without a waiver of privilege, but we trust that the assurances of Counsel and the partner in charge of this litigation address your concerns."

197. This letter was approved by Andy before it was sent, see the email chain on 23 October 2018 entitled “Re: Post Office Group Litigation: Defendant’s Disclosure – Redacted Documents” (WBON0002003). I relied on Counsel and Andy in respect of this matter and sent out the letter at their direction.

198. The issue of the redactions to the Zebra action summary then came up again during the Common Issues Trial. I recall that during the cross examination of Angela van den Bogerd there was a concern as to whether a line of questioning in respect of the Zebra action summary went to privileged matters. As such, there was some discussion in Court about the extent of privilege, in particular whether the code name "Zebra" could be privileged. This arose due to the word "Zebra" being unredacted in the document metadata which then showed in the electronic trial bundle. I sent a letter to Freeths on 14 November 2018 headed ‘Waiver of Privilege – POL-0218577” about this inadvertent disclosure of the word “Zebra”, after first getting Counsel's comments on and approval of the letter (WBON0001362).

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199. In summary therefore, I relied on Counsel, and also on Andy, in respect of what redactions should be made to the Zebra action summary document by reason of privilege, and in respect of all subsequent correspondence about them.

15.2 The preparation of witness evidence

200. I had very limited involvement in the production of the witness statements for the Common Issues trial. My involvement was limited to checking if documents referred to by witnesses or provided to WBD during the course of producing witness statements had been disclosed, providing the unique reference numbers to be included in the witness statement, and arranging for any undisclosed documents to be disclosed.

16. Please consider the judgment of Fraser J in *Bates & Others v. Post Office Limited* [2018] EWHC 2698 (QB). What were your views on the criticisms made by Fraser J on POL's conduct of the litigation?

201. This is the judgment in which Mr Justice Fraser rejected POL's application to strike out various parts of the witness statements of fact served on behalf of the SPMs in the group litigation ("the **strike out judgment**"). As I have explained above, I was not involved in any of the strategic decisions in the group litigation, and I was particularly far removed from questions involving witness evidence because that was not a part of the case in which I played any substantive role.

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202. I was aware that, at the time the relevant strike out application was made, the perception within the POL team (and by that I mean the view of the people making strategic decisions on the POL side of the litigation, so the lawyers and decision makers at POL, Counsel, and Andy at WBD) was that the SPMs had served evidence which was in many respects inadmissible and irrelevant to the issues which were to be determined in the Common Issues Trial. I was aware that this was a problem that had been anticipated even before the SPMs' evidence was served, and that there had been considerations as to how to deal with it, both in respect of what evidence POL should lead in respect of the Common Issues, and as to whether any application should be made to remove the evidence which was viewed as inadmissible and/or irrelevant from the SPMs.

203. My understanding was that the strike out application had been made after detailed consideration, on the recommendation of Counsel and that POL and Andy agreed that it was the correct course. I was not, however, involved in any decision-making on this.

204. My recollection is that the reaction within the POL team to the strike out judgment was one of surprise and disappointment. My impression was that a judgment of this kind had not been anticipated. As to the criticisms which the judge made as to the bringing of the application, and the conduct of the group litigation generally by POL, the only one of these criticisms I remember thinking about at the time was the statement by the Judge in paragraph 6 that "*the making of a GLO at all was opposed by the*

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defendant". I knew that this was not accurate as I had attended the first CMC in the group litigation – which was a memorable occasion for me as it was in the Royal Courts of Justice and was one of the first court hearings I had ever attended - and I knew that at that hearing the debate had been about the scope of the GLO and how the case was to be pleaded, but that there had never been opposition by POL to a GLO. I remember discussing this inaccuracy with Andy when the judgment was handed down.

205. I do not recall considering any other criticisms made by Mr Justice Fraser in the strike out judgment. I did not feel that I was in a position to take a view on them, as I had no prior experience of any litigation, had not been involved in the detailed considerations of the witness statements served by the Claimants, and had not been responsible for either the tone or substantive content of the correspondence in the group litigation, or for any decisions taken in the group litigation. I took the view that it was for those responsible for these matters to consider the Judge's criticisms and move the litigation forward with them in mind, although I was conscious that I would need to keep these in mind for the role which I was undertaking, namely producing initial drafts of documents relating to disclosure.

17. Please set out to what extent, if at all, you reflected on Fraser J's criticisms. Please provide any reflections you have.

206. I do not believe that I am really in a position to reflect on Mr Justice Fraser's criticisms in the strike out judgment. As I explain above, I was not

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responsible for, nor involved in any meaningful way in any of the matters in respect of which criticism was made. I do not have sufficient insight into the thought processes and intentions of those who were involved in making the decisions and drafting the correspondence which was criticised, although I am able to say that I never witnessed anyone on the POL team discussing or explaining a decision in terms that seemed to me to be inappropriate.

207. I of course always try, in any case for which I am responsible for the substantive content of correspondence and for strategic decisions which are made, to ensure that my approach is consistent with the Overriding Objective of the Civil Procedure Rules, which is to deal with cases justly and at proportionate cost.

Recusal application

18. Please consider POL00023930 (email from you to Lord Neuberger's clerk on 12 March 2019).

18.1 Please describe the background to instructing alternative counsel to consider the applications for permission to appeal and recusal.

208. The Common Issues Judgment was handed down formally on 15 March 2019.

209. I remember that my colleagues at WBD, and in particular, Andy, were very concerned about some of the findings that had been made by the Judge

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following the Common Issues Trial. The feeling, as I understood it, was that the Judge had made findings on issues which fell outside the 23 common issues that were to be decided at the hearing. The concerns I heard expressed was that this had deprived POL of the opportunity to provide evidence on those issues, and meant that issues that were supposed to be determined at later trials had effectively already been determined against POL.

210. Whilst, as I have said, my memory is imperfect in respect of a great deal of the detail of what transpired in relation to the case given the complex nature of the issues, the pace at which we were working at the time and the passage of time, I can remember aspects of the recusal application because the unusual nature of that matter and, further, because whilst I usually worked with Andy as my supervising partner, as I have already mentioned, in respect of the recusal application, I worked with another Partner, Tom Beezer, who was the senior litigation partner in the team.

211. We went to Tom as the senior escalation point throughout this period as Andy was involved in the Horizon Issues Trial. As part of my preparation when preparing this statement, I have read the witness statement of Andy and the transcript of his and Tom Beezer's evidence.

212. I can see that Andy refers to having prepared a summary note for POL which set out what he regarded as the issues raised by the Judgment of Mr Justice Fraser in the Common Issues Trial.

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213. I do not now recall whether I saw his briefing note to POL at the time nor do I recall any of the initial strategy conversations with POL on the issue of the recusal application which had initially, as I understand it, had been raised by Leading Counsel, David Cavender QC.

214. As a result of the advice of David Cavender QC, POL were, as I understand it, being advised to consider whether an application should be made to remove Mr Justice Fraser as the Managing Judge in the group litigation.

215. As further explained below, this led to the instruction of alternative Counsel to consider the making of a recusal application.

18.2 Please explain the reason for seeking advice from Lord Neuberger

216. Given the outcome of the Common Issues trial and the seriousness of making a recusal application, my understanding is that POL wished to have independent, very senior advice on whether to appeal and whether to make a recusal application against Mr Justice Fraser.

217. I believe that I was asked to ensure that the papers for the so-called "Super Silk" could be collated and I was also asked to make enquiries of the clerks at One Essex Court as to who might be available and who was sufficiently senior to advise on the issue of recusal and appeal.

218. I cannot now remember my conversation with the clerks at One Essex Court, however, I can see that having spoken to them, I sent an email to

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Andy and Tom Beezer at 18:03 on 11 March 2019 entitled 'Super Silk Ideas" (WBON0002014) and reported that Lord Neuberger could review the matter and advise on the merits of an appeal and on recusal, but would not be able to represent POL in Court at an appeal.

219. The alternative was Lord Grabiner who, with the assistance of juniors, could advise and who would be able to represent POL at any appeal.

220. My email concluded with my suggestion that Lord Neuberger be retained to advise.

221. I think that I recall that Lord Neuberger's appointment was preferred by POL due to his previous role as a very senior Judge and the insights it was believed he could bring as a result. I refer to the email chain of 11 and 12 March 2019 to Tom Beezer, Mark Underwood, Jane MacLeod entitled "Re: Appeal Review" (WBON0002015).

222. Tom responded by email to say that his inclination was to go for the QC who would be able to appear for POL at any appeal, which meant instructing Lord Grabiner (WBON0000653). I then circulated a draft email which inserted Tom's recommendation in this respect (WBON0002004). This email was approved by Andy and then sent by email to POL on 11 March 2019 entitled 'Appeal Review' recommending Lord Grabiner (WBON0000654). The final decision from POL, however, was to appoint Lord Neuberger.

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223. My involvement in the decision making was therefore to call Leading Counsel's chambers and check the hourly rates and availability of Leading Counsel, to draft a recommendation email that Lord Neuberger be appointed, which was then reviewed by Tom and then Andy who were supervising me, who changed the recommendation to appointing Lord Grabiner.

18.3 Please explain the reason for seeking Lord Grabiner's availability at this stage.

224. As I mention above, Lord Neuberger would not have been able to undertake advocacy on behalf of POL due to being a retired judge, so if POL did decide to proceed with the recusal application and the appeal they would need separate counsel to do so. I believe therefore that I must have considered it sensible to ensure Lord Grabiner was also available so that POL could appoint him to carry out the advocacy: there would be a need to move quickly if POL decided to proceed with one or both of the potential applications.

Preparation for the Horizon Issues trial

19. Please summarise the nature and extent of your involvement in preparing for the common issues trial [sic – this is understood to be intended to be a reference to the Horizon Issues trial], with particular reference to the following issues:

19.1 the assertion of privilege in redacting documents;

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225. My recollection is that there was a common pool of documents for the group litigation, with sequential disclosure, so that documents which had been disclosed for the Common Issues Trial were also disclosed for the purposes of the Horizon Issues Trial (and indeed subsequent trials, although none in fact took place).

226. In relation to the assertion of privilege on documents disclosed for the purposes of the Horizon Issues Trial, my recollection is that there were very limited redactions applied due to the technical nature of the documents meaning they were unlikely to be of a nature which would attract privilege.

227. However, I do recall that on 3 March 2019 (in the lead up to the Horizon Issues Trial) queries were raised by Freeths about the redactions applied to documents. In light of the questions raised, I conducted an initial review of each of the documents flagged by the Claimants and produced a draft response letter to Freeths on 5 March 2019 headed "Redacted Documents" (WBON0002005). This letter and the decisions on whether to maintain / remove redactions was sent to Owain Draper for consideration, and subsequently reviewed by Jonny Gribben and Andy Parsons. This resulted in a number of the redactions which had previously been applied to these documents being removed.

19.2 the preparation of witness evidence

228. I had very limited involvement in the production of the Horizon Issue Trial witness statements. My involvement was limited to checking if documents

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referred to by witnesses or provided to WBD in the course of producing witness statements had been disclosed, providing the unique reference numbers to be included in the witness statement, and arranging for any undisclosed documents to be disclosed.

Post-GLO

20. Please summarise what further work you have performed for POL in relation to the Horizon IT System since *Horizon* Issues was handed down (please note that POL has not waived legal professional privilege in respect of matters after 26 February 2020, as well as other matters as set out in the information available at the link footnoted here).

229. After the settlement in December 2019, I continued to deal with the case by supporting the team at WBD in respect of the implementation of the settlement and Mr Justice Fraser Judgment. As the waiver by POL only covers matters up to 26 February 2020, I do not believe that I can provide any other information about any tasks that I was asked to perform following the settlement.

General

21. In hindsight, is there anything that you would have done differently in respect of the matters raised in your statement?

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230. In following the evidence given to the Inquiry and in making this statement I have reflected carefully on my conduct and the part that I played in the group litigation proceedings generally. Inevitably, there are things that I would deal with differently now. In particular as I have mentioned at some length above, I would now draft the email dated 5 October 2016 very differently and ensure that the advice that I was giving to the client was clear and expressed in well thought through and appropriate language. I am embarrassed and mortified at the way the 5 October 2016 email reads, especially because it is open to an interpretation that the advice being given is to improperly delay disclosure of a relevant document. That was certainly not my intention in drafting that email, or my understanding of what the proposed course of action was.

231. The experience of what happened with Fujitsu and their failure to provide a category of KELs has made me hyper-sensitive about disclosure issues going forward, and I now tend, when conducting a disclosure exercise, towards over-questioning parties who are holding documents, to ensure that there is absolutely no room for confusion or any gaps in the disclosure due to any misunderstanding about what needs to be disclosed. I do not believe, looking back, that I was at fault in respect of what happened with Fujitsu and the KELs – I have set out above in my statement what happened. But I have still learned a lot from it, and I believe it has made me a better solicitor.

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22. Are there any other matters that you would like to bring to the attention of the Chair?

232. I am grateful for the opportunity afforded to me with this statement to explain my role in events with which the Inquiry is interested. I have explained above, when dealing with the email of 5 October 2016, that there were things I would have done differently if I had my time again and could bring the experience I have gained since then to bear on the tasks.

233. I worked so hard on this case and did my best to support my superiors, who were also working very hard at the time. I worked almost exclusively on this case between mid 2016 and the end of 2019. I believe that the Inquiry has already heard from other witnesses that WBD held something in the region of 20 million documents in the eDiscovery platform by the end of the disclosure exercise. It is hard to put into words quite how difficult it was to carry out a disclosure exercise of this scale and complexity. I was dealing with disclosure to the exclusion of almost every other aspect of the case and so a significant part of this gargantuan exercise fell to me. I was working very long hours and trying my best to get everything right. I know that at all times I was trying to do everything the right way, in accordance with my duties to my client and to the court. The mistakes I made, which I have mentioned above, were never intentional. At no stage did I ever knowingly act in any improper way, or witness anyone else acting in a way which I believed to be improper. I was a junior solicitor working as hard as possible to do my job properly.

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Statement of truth

I believe the content of this statement to be true.

Signed GRO .....

Amy Prime

Date 13 November 2024 | 11:00 GMT .....

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Index to First Witness Statement of Amy Louise Prime

No.	URN	Control Number	Document Description
1	POL00241140	POL-BSFF-0079203	Letter of Claim dated 28.04.16
2	WBON0001952	WBON0001952_0001	Email dated 01.05.2016 from Andy Parsons to Gavin Matthews, "LOC Work Plan"
3	WBON0001953	WBON0001953_0001	Document – "Letter of Claim: Work Plan "
4	WBON0001954	WBON0001954_0001	Email dated 09.05.2016 from Paul Loraine to Amy Prime, "FW: Group Action against Post Office Limited"
5	WBON0001955	WBON0001955_0001	Email dated 10.05.2016 from Paul Loraine to Amy Prime, "FW: Official Secrets Act"
6	POL00408630	POL-BSFF-0233095	Email dated 13.05.2016 from Amy Prime to Paul Loraine, "Re: Official Secrets Act".
7	WBON0001956	WBON0001956_0001	Email chain 10.05.16 to 23.05.16 Paul Inwood and Paul Loraine, "Re: Official Secrets Act."
8	POL00408626	POL-BSFF-0233091	Email dated 23.05.2016 from Paul Loraine to Andy Parsons (cc Amy Prime), "Official Secrets Act – paras 175-185 LoC"
9	WBON0001957	WBON0001957_0001	Email dated 09.06.2016 from Paul Loraine to Tony Robinson, "POL Group Action"
10	WBON0001958	WBON0001958_0001	Email dated 8.07.2016 from Rodric Williams to various recipients, "Postmaster Litigation Steering Group – Confidential and Subject to Legal Privilege – Do Not Forward"
11	WBON0002006	WBON0002006_0001	Steering Group Committee paper "Decision 5"
12	POL00110507	POL-0108242	Letter of Response dated 28.07.16 from Bond Dickinson to Freeths
13	WBON0002007	WBON0002007_0001	Email dated 04.10.16, Amy Prime to Andrew Parsons –

			"FW: Horizon Dispute – Investigation guidelines"
14	WBON0000467	WBD_000337.000001	Email chain 05.10.2016 between Amy Prime and Andy Parsons, "Re: Disclosure of Security Investigations Guidelines"
15	WBON0001959	WBON0001959_0001	Email dated 21.09.2017 from Amy Prime to Rodric Williams and Andy Parsons, "KEL"
16	WBON0002008	WBON0002008_0001	Andy Parsons 4th witness statement, dated 09.10.17
17	WBON0001960	WBON0001960_0001	Email from Pete Newsome to Andrew Parsons and Amy Prime 30.11.17, "Re: Post Office Group Litigation – Known Error Log – Confidentiality Agreement – legally privileged"
18	WBON0001961	WBON0001961_0001	Email dated 29.11.2017 from Amy Prime to Andy Parsons and Michael Wharton, "FW: Legally Privileged – Fujitsu documents"
19	WBON0001962	WBON0001962_0001	Email chain, Amy Prime and Michael Wharton (and others), 28.11.17 to 01.12.17 – "FW: Legally Privileged – Fujitsu documents"
20	WBON0001963	WBON0001963_0001	Email chain 28.12.17 to 02.01.18 between Amy Prime and various at Fujitsu, "Re: Privileged - KEL entries"
21	FUJ00219841	POINQ0225566F	Email chain 17.01.18 to 08.02.18 between Amy Prime and various at Fujitsu, "Re: Legally Privileged: Known Error Log"
22	WBON0001964	WBON0001964_0001	Email 01.03.18 Amy Prime to self, "Notes from call with FJ, Freeths, Elevate, WBD and Jason Coyne".
23	- WBON0002016	WBON0002016_0001	Letter to Freeths dated 19.03.18, "Known Error Log and Unfiltered Transaction and Event Data"
24	WBON0001965	WBON0001965_0001	Email Amy Prime to self dated 01.03.18
25	WBON0001966	WBON0001966_0001	Email chain 05.03.2018 between Andy Parsons and

			Fujitsu (cc Amy Prime), "Re: Legally Privileged – Access to Information"
26	WBON0001967	WBON0001967_0001	Email 23.03.18 from Matthew Lenton to Amy Prime, "Re: Dimension Documents"
27	WBON0001968	WBON0001968_0001	Email chain 03.04.18 to 05.04.18 between Amy Prime and Mark Underwood, "Re: Stage 2 Disclosure – KEL/Technical Documents"
28	WBON0001969	WBON0001969_0001	Email chain 31.10.18 to 05.11.18 between Matthew Lenton and others at Fujitsu, "FW: KEL request"
29	WBON0001970	WBON0001970_0001	Email chain 12.09.18 to 11.10.18 between Fujitsu and WBD, "Re: Calendar Square, Falkirk"
30	WBON0001971	WBON0001971_0001	Email chain 24.10.18 to 29.10.18 between Lucy Bremner and various at Fujitsu, "Re: Deleted KELs"
31	WBON0001972	WBON0001972_0001	Email 12.12.18 from Amy Prime to Matthew Lenton, "KEL Index"
32	WBON0001973	WBON0001973_0001	Email chain 12.12.18 to 17.12.18 between Matthew Lenton, Amy Prime and Lucy Bremner, "Re: KEL Index"
33	WBON0001974	WBON0001974_0001	Witness statement of Mr Stephen Parker dated 16.11.18
34	WBON0001975	WBON0001975_0001	Email dated 19.12.2018 from Amy Prime to Matthew Lenton, "Re: KEL Index"
35	WBON0001976	WBON0001976_0001	Email chain 19.12.18 - 20.12.18 between Amy Prime, Lucy Bremner and Matthew Lenton, "Re KELs"
36	WBON0001977	WBON0001977_0001	Email from Amy Prime to Matthew Lenton on 04.01.19, "Re: KEL Index"
37	WBON0002009	WBON0002009_0001	Letter to Freeths on 17.01.19, "Horizon Issues Trial: Disclosure and Trial Bundle"
38	WBON0002010	WBON0002010_0001	Email chain 06.02.19 between Matthew Lenton and Lucy Bremner, "Re: Peaks/Kels which have not been disclosed but referred to by Coyne"

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39	WBON0001430	WBD_001300.000001	Email chain 06.02.19 to 19.02.19 Amy Prime and Matthew Lenton, "Re: Peaks/ Kels which have not been disclosed but referred to by Coyne"
40	WBON0001978	WBON0001978_0001	Email chain 18.02.19 to 19.02.19 Simon Henderson and Amy Prime, "Re: Letter to Freeths – KEL and PEAKs"
41	WBON0001979	WBON0001979_0001	Email chain, Amy Prime and Simon Henderson, 18.02.19, "Re: Letter to Freeths – KEL and PEAKs"
42	WBON0002011	WBON0002011_0001	Email dated 18.02.19 Amy Prime to Matthew Lenton, "Re: Peaks/Kels which have not been disclosed but referred to by Coyne"
43	WBON0001429	WBD_001299.000001	Letter to Freeths dated 18.02.19, "Disclosure – Peaks and KELs"
44	POL00285493	POL-BSFF-0123556	Email chain 01.10.19 Rodric Williams, Catherine Emanuel, Amy Prime and Alex Lerner, "Re: Horizon disclosure"
45	WBON0001653	WBD_001523.000001	Letter to Freeths dated 25.09.19, "Horizon Issues Trial – Disclosure"
46	WBON0001654	WBD_001524.000001	Letter to Freeths dated 27.09.19, "Horizon Issues Trial – Disclosure"
47	WBON0001655	WBD_001525.000001	Letter from Freeths dated 27.09.2019, "Horizon Issues Trial – Disclosure"
48	WBON0001980	WBON0001980_0001	Email Amy Prime to Lucy Bremner 30.09.19, "KEL preservation"
49	WBON0001981	WBON0001981_0001	Draft letter to Freeths 30.09.19
50	WBON0001982	WBON0001982_0001	Draft letter circulated to POL and HSF dated 01.10.19, "Horizon Issues Trial – Disclosure"
51	WBON0000325	WBD_000195.000001	Email 30.09.19 Lucy Bremner to Matthew Lenton, "KELs – query"
52	WBON0002012	WBON0002012_0001	Email 01.10.19 Matthew Lenton to Lucy Bremner, "Re: KELs – query"

53	WBON0000137	WBD_000007.000001	Email 01.10.19 Amy Prime to Andrew Parsons, Lucy Bremner, Jonathan Gribben, "FW: KELs – query"
54	WBON0001983	WBON0001983_0001	01.10.19 email chain Simon Henderson and Amy Prime, "Re: Horizon Issues Trial – KEL disclosure"
55	WBON0001984	WBON0001984_0001	01.10.19 Amy Prime email to self, Re: Horizon Issues Trial – KEL disclosure"
56	WBON0001985	WBON0001985_0001	01.10.19 email Amy Prime to Andrew Parsons, Lucy Bremner, Jonathan Gribben, "Note of call with Simon Henderson"
57	WBON0001986	WBON0001986_0001	Email chain 01.10.19 Andrew Parsons and Amy Prime, "Re: KEL progress"
58	WBON0001987	WBON0001987_0001	01.10.19 email Amy Prime to Andrew Parsons, "Re: Horizon disclosure"
59	WBON0001988	WBON0001988_0001	01.10.19 Revised draft letter to Freeths (changes tracked)
60	WBON0001989	WBON0001989_0001	Email chain 01.10.19 Andrew Parsons and Amy Prime, "Re: Horizon Disclosure"
61	WBON0001990	WBON0001990_0001	01.10.19 email Amy Prime to Rodric Williams, Catherine Emmanual and Alex Lerner, "Re: Horizon disclosure"
62	WBON0001991	WBON0001991_0001	01.10.19 email Alex Lerner to Amy Prime, "Re: Horizon disclosure"
63	WBON0001992	WBON0001992_0001	Email chain 01.10.19 to 02.10.19 Amy Prime, Lucy Bremner and Andrew Parsons, "Re: Draft email to TRQC – KEL Disclosure"
64	WBON0001993	WBON0001993_0001	02.10.19 Email from Amy Prime to Tony Robinson QC
65	WBON0001994	WBON0001994_0001	Document: "Notes from Horizon Issues Disclosure – KEL – Conference call – 2019.10.02"
66	WBON0001995	WBON0001995_0001	02.10.19 – email Amy Prime to Tony Robinson QC and Simon Henderson, "Draft letter to Freeths – KEL Disclosure"

67	WBON0001996	WBON0001996_0001	Email chain 03.10.19 Amy Prime and Tony Robinson QC, "Re: Draft letter to Freeths – KEL Disclosure"
68	WBON0002017	WBON0002017_0001	Letter to Freeths dated 03.10.19, "Horizon Issues Trial Disclosure"
69	WBON0001997	WBON0001997_0001	Letter from Freeths dated 11.10.19, "Horizon Issues Trial: Undisclosed KELs"
70	WBON0001998	WBON0001998_0001	Email chain 14.10.19 to 15.10.19 Amy Prime and Andrew Parsons, "Re: Draft Email to Freeths – KEL69Disclosure"
71	WBON0001999	WBON0001999_0001	Email chain 15.10.19 Matthew Lenton and Amy Prime, "Re: KEL Disclosure"
72	FUJ00215645	POINQ0221367F	Email chain 15.10.19 Steve Parker, John Simpkins, Mark Wright, Matthew Lenton, "Re: KEL Disclosure: Mark's comments on 7 and 8"
73	FUJ00158227	POINQ0164403F	Email 01.03.18 Amy Prime to various recipients at Fujitsu, "FW: 5pm call: Agenda"
74	WBON0002000	WBON0002000_0001	Email chain between Amy Prime and Andrew Parsons 01.03.18, "Re: Draft Emails – Call with FJ"
75	WBON0002001	WBON0002001_0001	Email dated 24.07.18 to Amy Prime from Michael Wharton, "Doc 151077630"
76	WBON0001264	WBD_001134.000001	Email 25.07.18 Amy Prime to Tony Robinson QC and Simon Henderson, "Stage 3 Disclosure – Project Zebra"
77	WBON0002013	WBON0002013_0001	Email Amy Prime to David Cavender, Owain Draper and Gideon Cohen 23.10.18, "Freeths correspondence re POL redacted documents"
78	WBON0002002	WBON0002002_0001	Letter to Freeths 23.10.18
79	WBON0002003	WBON0002003_0001	Email chain Amy Prime and Andrew Parsons 23.10.18, "Re: Post Office Group Litigation: Defendant's Disclosure – Redacted Documents"

80	WBON0001362	WBD_001232.000001	Letter to Freeths dated 14.11.18, "Waiver of Privilege – POL-0218577".
81	WBON0002014	WBON0002014_0001	11.03.19 email Amy Prime to Andrew Parsons and Tom Beezer, "Super Silk Ideas"
82	WBON0002015	WBON0002015_0001	Email chain 11.03.19 to 12.03.19 Amy Prime, Tom Beezer, Mark Underwood, Jane MacLeod, "Re: Appeal Review"
83	WBON0000653	WBD_000523.000001	Email chain 11.03.19 Amy Prime, Tom Beezer, Andrew Parsons, "Re: Super Silk Ideas"
84	WBON0002004	WBON0002004_0001	11.03.19 Amy Prime email to Tom Beezer and Andrew Parsons, "Re: Super Silk Ideas"
85	WBON0000654	WBD_000524.000001	11.03.19 Amy Prime email to various at Post Office, "Appeal Review"
86	WBON0002005	WBON0002005_0001	Draft letter to Freeths dated 05.03.19, "Redacted Documents"