



[REDACTED]
[REDACTED]

Date
6 November 2024

Post Office
100 Wood Street
London EC2V 9ER

Your Ref:

Classification:
Public

Dear [REDACTED],

Freedom of Information Request – FOI2024/00320

We are writing in response to your email received by Post Office Limited (“**Post Office**”) on 20 February, which has been dealt with under the terms of the Freedom of Information Act 2000 (“**FOIA**”). We sincerely apologise for the delay in our response.

In your email you have requested the information shown verbatim in bold below:

“Please can I request, under the freedom of information act,

1)the disclosure of the file note that Henry Staunton recorded and emailed to himself and colleagues, including being emailed to Nick Read (chief exec), shortly after Mr Staunton was appointed in which he refers to a conversation with a senior civil servant regarding compensation payments to post office victims.

The file note will have been recorded in December 2022, January 2023, or February 2023.

2)The disclosure of all email / letter correspondence, including file notes, between Nick Read and Henry Staunton in December 2022, January 2023 , and February 2023.”

We can confirm that Post Office does hold the information you have requested.

Having carefully considered the correspondence between Post Office Chief Executive, Nick Read, and former Post Office Chairman, Henry Staunton, we believe

that the information engages the exemption pursuant to sections 36(2)(b)(ii) of the FOIA. This is because in the opinion of the Post Office's Qualified Person, the disclosure would be likely to inhibit the free and frank exchange of views for the purposes of deliberation.

Section 36 is qualified by the public interest. This means that even though the exemption is considered to be engaged, it is necessary to consider whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

The Post Office's Qualified Person notes that there are many factors in favour of maintaining the exemption, including to preserve the ability for senior public authority staff to discuss internal matters in an open and safe space. Publishing these internal deliberations would be likely to lead to a chilling effect which would not enable the free and frank exchange of views and opinions, nor allow space for necessary debate and healthy challenge at Board level.

The correspondence provides a great deal of internal insight into how Post Office works. These discussions between the Chief Executive and the Chairman, relate to business-critical issues at Post Office. This information is highly sensitive and regular disclosure of this information would be likely to lead to the chilling effect mentioned above, thus negatively affecting Post Office's decision making.

On the other hand, the Post Office's Qualified Person has also considered a number of factors, including the passage of time that has taken place since the discussions took place, and recent evidence given at the Post Office Horizon IT ("POHIT") Inquiry. Whilst a number of the issues raised in the correspondence still exist and are still relevant to ongoing Post Office business, this correspondence is now nearly 2 years old. Disclosure of these documents would enable the public to better understand how the Chief Executive worked with the Chairman. It would also support Post Office's commitment to transparency and allow for public debate and scrutiny.

Therefore, despite the arguments made relating to the chilling effect and safe space to discuss internal matters, it is the Qualified Person's opinion that the public interest is now balanced in favour of transparency on these matters and thus falls into disclosure of the information, except where any other exemptions may exist.

Please find the correspondence between current Post Office Chief Executive, Nick Read, and former Chairman, Henry Staunton, from 1 December 2022 to 28 February 2023, in the document titled, "FOI2024_00320 – Information_Redacted.pdf". This includes the file note referred to in part 1 of your information request.

As per your FOIA request, we have only included emails that were sent directly from one of these individuals to the other, and, therefore, we have not included any emails where one of these individuals was either copied into an email from a different person, or where the email was addressed to a different person not named in your FOIA request. We have also removed emails from the chains where they sent to only one of the named individuals (other than 'circular' emails).

Some information within the disclosable document has been withheld under the FOIA exemptions at section 31(1)(a), relating to law enforcement, and section 43(2), relating to commercial interests. These exemptions are all qualified and we have had to balance the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a public interest in disclosure of information relating to internal discussions between the Chief Executive and the Chairman, as this enhances transparency about the ways of working within Post Office. This also helps reassure the general public about the way Post Office conducts its business and provides reassurance about the way public money is being spent.

However, there is a high public interest in ensuring that the most senior members of Post Office can have free and frank conversations. Some discussion includes information that relates to cyber security and, therefore, falls under the exemption in section 31(1)(a) of the FOIA. This exemption is engaged because providing the information will prejudice the prevention of crime by facilitating the possibility of a criminal offence being carried out.

There is a strong public interest in withholding information concerning internal Post Office systems as disclosure of this could be used as the basis of a cyber-attack to try and obtain information for nefarious means. Disclosure of the information would prejudice the investigation of any incidents of criminal activity if it were to occur.

The information that falls under the exemption in section 43(2), relates to information which would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

There is a strong public interest in withholding this information as it would, if disclosed, prejudice the commercial interests of Post Office. This is because disclosing sensitive commercial discussions between the Chief Executive and Chairman regarding Post Office business would prejudice Post Office's commercial interests. Disclosure of this would allow Post Office's competitors to better understand how the business works and see what potential strategies are in train to improve Post Office's commercial impact within the marketplace. This exemption also includes protecting Post Office's reputation from harm, as this could cause damage to the brand, worsen relationships with postmasters and weaken Post Office's position in a very competitive marketplace.

We have also withheld some information under sections 40(2) and 40(3A) of the FOIA as the information constitutes personal data relating to other persons. These sections exempt personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would breach any of the data protection principles in Article 5(1) of the UK General Data Protection Regulation ("**GDPR**").

We consider that disclosure of this information is likely to breach the first data protection principle, which provides that personal data must be processed lawfully, fairly, and in a transparent manner. Disclosure would not constitute 'fair' processing of the personal data because the information relates to the names and contact details of junior employees who would not reasonably expect this to be disclosed in relation to this request for information.

If you are dissatisfied with the handling of this response, you do have a right to request an internal review. You can do this by writing to the address above within 40 working days of receipt of this response stating your reasons for your internal review request or alternatively, by emailing information.rights@postoffice.co.uk.

If, having requested an internal review by Post Office, you are still not satisfied with our response you also have a right of appeal to the Information Commissioner at:

Information Commissioner's Office

Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Telephone: 0303 123 1113
www.ico.org.uk/foicomplaints

Yours sincerely,

Information Rights Team
information.rights@postoffice.co.uk
<https://corporate.postoffice.co.uk/en/governance/access-to-information/access-to-information/>

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