



[Redacted]

Date
6 June 2024

[Redacted]
[Redacted]

Post Office
100 Wood Street
London EC2V 9ER

Your Ref:

Classification:
Public

Dear [Redacted],

Freedom of Information Request – FOI2024/00772

We are writing in response to your email received by Post Office Limited (“**Post Office**”) on 5 May, which has been dealt with under the terms of the Freedom of Information Act 2000 (“**FOIA**”).

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

“Please would you tell me, under the FOI Act, how many times the Post Office or its predecessors used Public Interest Immunity certificates during civil or criminal litigation over the last 25 years, and which minister or ministers signed them off?”

You sent a further email on 4 June 2024, saying:

“I appreciate you may still be aiming to respond substantively to my request within the statutory deadline, which elapses in a few hours.

If it would help, I could restrict my request to asking for the identity just of the minister who signed off on the PII certificate used in the R v Samra case, that is, the one mentioned at the public inquiry.”

We can confirm that Post Office does hold the information you have requested. It is worth noting that a PII application in criminal proceedings does not require any ministerial approval. Whereas a “PII certificate” applies only to national security-related material that satisfies the disclosure test and requires a Ministerial certificate

before the PII can be claimed. Further information can be found within the Crown Prosecution Service Disclosure Manual:

<https://www.cps.gov.uk/legal-guidance/disclosure-manual-chapter-13-making-pii-application>

<https://www.cps.gov.uk/legal-guidance/disclosure-manual-chapter-34-handling-national-security-related-claims-public>

With that in mind, we can confirm that we are not aware of any occasion where Post Office applied for a Public Interest Immunity (“PII”) Certificate.

Although an extensive review of all prosecutions has not been conducted, we are only aware of the case of Balcinder Samra in which a PII Application was made in 2013, as explained in evidence to the Inquiry, available at the following link:

<https://www.postofficehorizoninquiry.org.uk/hearings/phases-56-9-may-2024>.

However, this was not signed off by a minister, as this is not required for the reasons outlined above.

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/>

Post Office Limited is committed to protecting your privacy, information about how we do this can be found on our website at www.postoffice.co.uk/privacy