



Date
14 November 2025

Post Office
100 Wood Street
London EC2V 7ER

Your Ref:

Classification:
Public

Dear [REDACTED],

Freedom of Information Request – FOI2025/00607

We are writing in response to your email received by Post Office Limited (**"Post Office"**) on 25 August 2025, 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:

"On 6 March 2025 UKGI disclosed correspondence via FOI which included an email from Tom Cooper to BEIS Permanent Secretary, Sarah Munby, of 21 June 2020 (FOI 1220141).

In this email Cooper referred to a draft report on Horizon issues undertaken by Post Office lawyers Herbert Smith Freehills 'looking at the history of what was shared with the Board and BEIS.' The draft was said to contain a list of individuals and identified behaviours no longer thought to be prevalent.

I am now seeking full disclosure of the underlying HSF report cited in Cooper's email (both in draft and completed form) as well as the list of individuals included (senior management and above) on the grounds that any LPP to which the draft report might have been subject was forfeited when details of its existence and contents were disclosed in the email of 21 June 2020. Cooper's communication was sent to ten recipients, it was not identified by him at the time as being subject to legal privilege, either in whole or in part, and it has since been disclosed under FOI.

If the Post Office maintains that legal privilege has not been inadvertently waived

as a result of Cooper's having shared the above information then it must, further, consider the public interest case for disclosure which now outweighs grounds for upholding LPP given the context of the Horizon Issues cover-up, the Horizon IT Public Inquiry and the Post Office's commitment to identifying governance failings leading up to the scandal.

That the HSF report was immediately brought to the attention of the Government Shareholder in preliminary draft form and prompted discussions regarding actions the department may take as a result, is indication of the significance of the HSF findings and the corresponding measure of the public interest case."

We can confirm that Post Office does hold some of the information that you have requested, however it is being withheld under section 42(1) of the Freedom of Information Act 2000 ("**FOIA**").

Section 42(1) of the FOIA exempts information in respect of which a claim to legal professional privilege could be maintained. This is a qualified exemption and therefore the public interest test has also been considered.

Post Office is satisfied that the public interest in maintaining the exemption by withholding the privileged information outweighs the public interest in disclosing it. In reaching this conclusion, Post Office has considered a variety of factors for and against disclosure.

Factors in favour include Post Office's commitment to transparency and enabling the public to better understand how Post Office works. We also consider that the public interest is increased given the Horizon IT scandal and resulting statutory Post Office Horizon IT Inquiry ("**POHIT**").

Against these factors, Post Office notes, in particular, the strong and well established public interest in maintaining the confidentiality of legal advice. Disclosure would undermine the principle of legal professional privilege, which is fundamental to the proper functioning of the legal system. This privilege enables public authorities to seek full and frank legal advice in confidence, without fear of unintended disclosure. Its protection is not diminished by time or context.

The information in question consists of a report commissioned by Post Office from Herbert Smith Freehills ("**HSF**") for the purpose of obtaining legal advice in preparation

for the POHIT Inquiry. It comprises confidential communications between Post Office and its legal advisers, made in a legal context and for the dominant purpose of seeking legal advice. It therefore falls within the scope of legal advice privilege.

Post Office has not waived privilege over this material. It remains confidential and was expressly preserved under paragraph 6(a) of the August 2024 waiver to the POHIT Inquiry, which covers communications *"in connection with the advice and work of, and communications from and with, internal and external legal advisers"*. The information has not been disclosed to any third party beyond those with a legitimate need to know, nor has it been made public.

Disclosure under the FOIA would undermine the principle of legal professional privilege and risk discouraging open and honest legal consultation in the future. The public interest in preserving this protection is, in our assessment, compelling.

Therefore, having carefully considered the nature of the information and the relevant public interest factors, Post Office has determined that section 42(1) of the FOIA applies and that the information should be withheld.

With regard to the reference of a "list of individuals," please provide further details to clarify your request so we can determine whether we hold the information and proceed accordingly.

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

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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