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Date
21 August 2024

Post Office
100 Wood Street
London EC2V 9ER

Your Ref:

Classification:
Public

Dear [Redacted],

Freedom of Information Request – FOI2024/00364 and FOI2024/00372

We are writing in response to your emails received by Post Office Limited (“**Post Office**”) on 28 February 2024 and 1 March 2024, which have been dealt with under the terms of the Freedom of Information Act 2000 (“**FOIA**”). We sincerely apologise for the delay in our response and any inconvenience this may have caused.

In your email of 28 February 2024, you requested the information shown verbatim in bold below:

“I would request the Minutes of the Board meeting for August 7th 2013, and papers for that Board, including the paper prepared by Bond Dickinson on potential risks with Horizon and how this might impact on insurance coverage. (Bond Dickinson are now known as Womble Bond Dickinson). If possible could I have a copy of the Insurance Policy Document (Directors and Officers Policy) as it applied then, which related to this request.”

In your email of 1 March 2024, you requested the information shown verbatim in bold below:

“In a letter to the BTC Parliamentary Committee and its chair Liam Byrne dated 16th Feb 2024, Nick Read CEO referred to a paper prepared by Bond Dickinson dated Aug 7 2013 on the subject of Insurance for Directors and Officers and the potential for claims to be made by Subpostmasters based on non disclosure/or discoveries of bugs errors and defects in Horizon

(BEDS). I requested this paper in an FOI dated 28 Feb 2024 and still request this. I am aware now there was no Board meeting in August so in the interests of clarity, I would like to see the minutes of the Board meetings that discussed this issue of BEDS and possible claims to be made that took place in September, and in October 2013. In addition I also requested sight of the Insurance Policy document itself for officers and Directors (AIG) .”

We can confirm that Post Office does hold the information you have requested. As you are aware, there was no Post Office Board meeting in August 2013, but there were meetings that took place on 25 September 2013 and 31 October 2013.

Please see the documents relating to these Post Office Board meeting minutes, titled, “20130925_POL_Board_MIN_Signed_Redacted.pdf” and “20131031_POL_Board_MIN_Signed_Redacted.pdf”.

We have withheld some of the information under the exemptions at section 40, relating to personal data, section 42, relating legal professional privilege, and section 43, relating to commercial interests.

Section 42 of the FOI Act 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 and 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, including the public interest in transparency. Against these factors Post Office notes, in particular, the strong inherent public interest in preserving legal privilege which it considers, in all the circumstances, outweighs the public interest in disclosure.

We have withheld the costs associated with the IT strategy as it falls under the exemption in section 43(2) of the FOIA, which relates to information which would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

In applying this exemption, 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 concerning details of IT strategy costs as this helps promote transparency in Post Office business and reassurance about the way public money is being spent.

However, there is a strong public interest in withholding the information as it would, if disclosed, prejudice the commercial interests of Post Office. The public interest in preserving Post Office's ability to compete in a commercial environment including protecting its negotiating position, outweighs the public interest in providing these figures.

The majority of the information redacted in both documents have been withheld 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 either relates to personal matters about individual Post Office employees or refers to junior staff members. In both these instances, all parties would not expect their personal data to be disclosed under this FOIA request.

We can also confirm that the information contained within the "Horizon D&O Risks" document, dated 7 August 2013, has been published by the Post Office Horizon IT Inquiry in two separate documents at the links below. These documents, dated 15 August 2013 and 25 August 2013, are updated versions of the 7 August 2013 document and contain all the information requested.

<https://www.postofficehorizoninquiry.org.uk/evidence/pol00021996-legal-advice-pol-bond-dickinson-post-office-limited-horizon-risks-bond>

<https://www.postofficehorizoninquiry.org.uk/evidence/pol00040026-womble-bond-dickinson-document-re-post-office-limited-horizon-risks>

As the information is reasonably accessible to you by other means, under section 21 of the FOIA, Post Office are not required to provide a copy of the information with this response.

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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