



Information Rights Team
Post Office Limited
Ground Floor
Finsbury Dials
20 Finsbury Street
London EC2Y 9AQ
033 3665 3951
Your reference:
Our reference: IR2022/00764

Eleanor Shaikh
request-899588-03f5f8dc@whatdotheyknow.com

14 December 2022

Dear Ms Shaikh,

Internal Review under the Freedom of Information Act - IR2022/00764

I am writing in response to your request for an Internal Review of Post Office Limited's ("**Post Office**") handling of your recent request for information under the Freedom of Information Act 2000 ("**FOIA**").

1. In your original request for recorded information under Ref: FOI2022/00658 received by Post Office on 20 September 2022, you requested the following information:

"In response to FOI2022/00062, Post Office disclosed the 2016 Swift Review.

At paragraph 138 of this review, reference is made to two documents produced for POL by Deloitte in May and June 2014, entitled 'Horizon: Desktop Review of Assurance Sources and Key Control Features' and an accompanying 'Board Briefing'.

I would be most grateful if you would disclose both of these documents."

2. Post Office responded to you on 15 November 2022, confirming the reports were held and to withhold both documents under section 42 of the FOI Act, relating to legal professional privilege.
3. On 15 November 2022, you contacted the Post Office, saying:

"As noted in my original request, these documents are referred to in the Swift Review (paragraphs 138-147) which was disclosed via FOI, both by the Department for Business Energy & Industrial Strategy and the Post Office in August 2022:

https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.whatdotheyknow.com%2Frequest%2F823579%2Fresponse%2F2099393%2Fattach%2F5%2Finformation%2520for%2520release%252014.pdf%3Fcookie_passthrough%3D1&data=05%7C01%7Cinformation.rights%40postoffice.co.uk%7C2cde3c51f97c41a07d0808dac764289f%7C6b3c4bb26f2645af97b3fded2a7a60f9%7C1%7C1%7C638041530239791646%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=dtelczKST%2FBS%2BHHHESXF3OxpTjjGwvmp2Rc9Po1QKAw%3D&reserved=0

The Swift Review makes specific recommendation regarding these reports, noting '...the Deloitte reports, or at least the information contained within them, may be disclosable under POL's on-going duties as a criminal prosecutor'.

I would therefore like to request an internal inquiry to determine why these documents are being withheld in the light of specific advice to the Post Office by an independent QC that the information they contain may be disclosable.

Please can your internal inquiry also confirm whether the Post Office deems these documents are disclosable to:

- i) the Williams Statutory Inquiry*
- ii) SPM's defence teams"*

Appeals Officer's Response

4. In line with the requirements of the FOIA and the associated Code of Practice, I have carried out an internal review of your request for information and the way your request has been handled by the Information Rights Team in accordance with the Act.
5. Based on this review, I have upheld the original response to your information request.
6. The documents held by Post Office were written for litigation purposes and at this point in time, Post Office have determined that the legal professional privilege which protects the documents from disclosure under FOIA, should not be waived.
7. Regarding your question about whether Post Office deems these documents to be disclosable either to the Public Inquiry and/or the Postmaster defence team. We are not at liberty to comment as to which documents may or may not have been disclosed to the Inquiry, as this is a matter for the Inquiry and such a question falls outside the scope of an FOI request.

Conclusion

8. Having reviewed this case, I am satisfied that the original request sent to you on 15 November 2022 was correct and I am therefore upholding the original response.
9. In the event that you remain unhappy with the handling of this request, you also have a right to appeal to the Information Commissioner who can be contacted at the address below:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 0303 123 1113
<https://ico.org.uk>

Yours sincerely

Internal Review Officer

information.rights@postoffice.co.uk

<https://corporate.postoffice.co.uk/en/governance/access-to-information/access-to-information/>