



Information Rights Team
Post Office Limited
Ground Floor
Finsbury Dials
20 Finsbury Street
London EC2Y 9AQ
033 3665 3951

Our reference: FOI2021/00093

Mr McCormack

7 May 2021

Dear Mr McCormack,

Request under the Freedom of Information Act – FOI2021/00093

Further to my letter dated 25 March 2021, I refer to your request for information under the Freedom of Information Act 2000 ("**FOIA**"), as set out below:

"Good to see the new spirit of openness in action yet again this morning with the publication of redacted copies of Board Minutes.

Could you therefore please provide me with copies of all Board Minutes in which is mentioned the Clarke Advice or Clarke Review. The contents of which I suspect you may wish to redact but I am most interested in the attendees of those meetings and the dates of the meetings."

Thank you for also clarifying on 28 February 2021 that:

1. by "Clarke Advice or Clarke Review", you were referring to the Simon Clarke advice dated 15 July 2013; and
2. your request is for the relevant sections of minutes at which the Simon Clarke advice dated 15 July 2013 was mentioned, as well as the dates and board members present at those meetings.

Post Office Limited ("**Post Office**") has conducted reasonable and proportionate searches and has identified two sets of board minutes in which the Simon Clarke advice dated 15 July 2013 was mentioned: the minutes of a meeting on 19 November 2020 and the minutes of a meeting on 04 February 2021. The same board members were present at both board meetings. These were:

- Tim Parker
- Ken McCall
- Tom Cooper
- Carla Stent
- Zarin Patel
- Lisa Harrington
- Alisdair Cameron
- Nick Read

The relevant sections of those board minutes in which the Simon Clarke advice dated 15 July 2013 was mentioned have been withheld, as Post Office considers the information is exempt from disclosure as information which is subject to legal professional privilege under section 42 FOIA. Since section 42 is a qualified exemption, 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 all the circumstances of this matter, including the context, the number of people potentially affected by the issues, the strength of opinion these issues have given rise to and the public interest in openness and 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.

If you have any queries about this response, please contact me. Do remember to quote the reference number above in any future communications.

I hope the information I have provided on this occasion is useful, however 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 below stating your reasons for your internal review request.

Information Rights Manager
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Information Rights Team
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20 Finsbury Street
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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
<https://ico.org.uk>

Yours sincerely,

David Sinclair
Information Rights Team
information.rights@postoffice.co.uk
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