



Information Rights Team  
Post Office Limited  
Ground Floor  
Finsbury Dials  
20 Finsbury Street  
London EC2Y 9AQ  
033 3665 3951  
Your reference:  
Our reference: FOI2023/00011

Mr John O'Sullivan  
request-934983-91900d80@whatdotheyknow.com

6 February 2023

Dear Mr O'Sullivan,

### **Freedom of Information Request – FOI2023/00011**

I am writing in response to your email received by Post Office Limited ("**Post Office**") on 11 January, in which you asked:

*"Did you ask ICL/Fujitsu if Horizon evidence alone would pass the evidential test for prosecution to proceed?Did you ask the MOJ this question?Did you ask the DPP if it was acceptable?Did you confirm with your IB that the checks and balances would be met?Did you ask your inhouse legal teams if proceeding was compatible with a likely Court Room outcome?Did you seek any external advice,perhaps even from Government to pursue these Prosecutions-most of which are now being overturned?"*

Post Office considers that your email does not contain a request for recorded information. Although your request can be in the form of a question, rather than a request for specific documents, the Freedom of Information Act 2000 ("**FOIA**") does not oblige an authority to answer a question if this would mean creating new information or giving an opinion or judgment that is not already recorded, which applies to the question you have raised.

We have nothing further to add on the matter and would once again like to refer you to the Information Commissioner's Office (ICO) guidance on how to access information from a public authority, which can be found at the following link:

<https://ico.org.uk/your-data-matters/official-information>

Yours sincerely,

Information Rights Team  
[information.rights@postoffice.co.uk](mailto:information.rights@postoffice.co.uk)  
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