



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

Your reference:  
Our reference: FOI2021/01063  
FOI2021/01099, FOI2021/01153

John O'Sullivan  
request-803838-c1bb0ebb@whatdotheyknow.com

27 January 2022

Dear Mr O'Sullivan,

**Freedom of Information Request – FOI2021/01063, FOI2021/01099,  
FOI2021/01153,**

I am writing in response to your requests received by Post Office Limited ("**Post Office**") on 9, 15 and 30 December 2021 and 11 January 2022 for information under the Freedom of Information Act 2000 ("**FOIA**"), as set out below:

On 9 December 2021:

- *Why was there such a delay in introducing the dispute button (6 years ) In that time did POL still issue non-negotiable T/C's to SPM based purely on Horizon evidence ,albeit with the threat of prosecution removed? How much money did SPM's pay to POL based on this system in the six year period?*

On 11 January 2022, by way of response to Post Office's letter to you of 10 January 2022 extending the deadline for its response to the above request in order to consider the public interest test in relation to section 43(2) and to consult third parties:

- *Thank you for an update. Who are the third parties? I understand you needed to talk to Fujitsu about installing a dispute icon on Horizon but you wouldn't need to check with them why you took until 2021 to do the same? Is BEIS the third party you refer to-did you need their permission to allow SPM the ability to challenge Branch losses rather than just make good, albeit since 2015 without the threat of prosecution? Did you need assurances that BEIS would cover losses that SPM disputed?*

On 15 December 2021:

- *My understanding is that Fujitsu would charge POL for requests for data on certain transactions. How much would this charge be?*  
*Could a SPM request information from the Horizon back screen?*  
*Did this ever happen?*  
*How often did POL request Horizon data to assist in prosecuting SPM?*

*How often did POL ask for information from Fujitsu to assist a SPM disputing a branch loss?*

*Did POL ever decline to ask for information from Fujitsu simply on cost grounds?*

*What was the annual budget for information retrieval from Fujitsu?*

*And finally what year did POL spend the most on gathering information from Fujitsu concerning Horizon issues?*

On 30 December 2021:

- *Dawn Phillips was a POL witness in the JFSA trial who said in court "We look for any call in the previous month that could relate to the loss that they have settled. We don't specifically search for settled centrally calls." So how, wondered Ms Donnelly, does the Post Office find out if a discrepancy settled centrally is in dispute? 'We try and do everything above £5,000,' replied Ms Phillips. There was a little moment in court as everybody mentally checked they'd correctly heard what Ms Phillips had said. The judge frowned. Even Ms Donnelly seemed surprised. 'So you wouldn't bother checking the helpline log for £2,000?' she asked. 'It's not a case of not bothering, it's a case of how many have settled centrally and how many are large,' came the reply. Ms Phillips had just described a standard process of initiating debt recovery against Subpostmasters (whether their discrepancies are in dispute or not) if the sum was lower than £5,000." Has this procedure changed in any way? When does POL ask Fujitsu for Horizon information? Can SPM request data from Fujitsu?*

I confirm that Post Office holds information responsive to your requests. However, it is estimated that the cost of complying with your requests would exceed the "appropriate costs limit" and Post Office is not obliged to process your requests in these circumstances by virtue of section 12 of FOIA. Please therefore treat this letter as a refusal notice.

I set out our reasons for this decision in further detail below.

### **Reasons for this refusal notice**

Our understanding is that you are requesting the following; namely, information as to:

1. why there was a delay of six years in relation to Post Office introducing a dispute button to the Horizon terminal ("**Request 1**");
2. whether, during the six-year period referred to in Request 1, Post Office issued non-negotiable terms and conditions to sub-postmasters based solely on evidence generated by Horizon ("**Request 2**");
3. how much money was paid by sub-postmasters to Post Office, during the six-year period referred to in Request 1, based on the arrangements referred to in Request 2 ("**Request 3**");

4. the identity of the third-parties Post Office considered it should consult in relation to Requests 1 to 3 ("**Request 4**");
5. whether Post Office required the permission of the Department for Business, Energy and Industrial Strategy ("**BEIS**") to allow sub-postmasters the ability to challenge branch losses shown on Horizon ("**Request 5**");
6. whether Post Office required assurances from BEIS that it would fund the Horizon-related losses to Post Office that sub-postmasters had disputed ("**Request 6**");
7. the cost to Post Office of requesting data from Fujitsu in relation to Horizon transactions ("**Request 7**");
8. whether a sub-postmaster could request information from Fujitsu from the Horizon terminal ("**Request 8**");
9. whether sub-postmasters ever requested information from Fujitsu from the Horizon terminal ("**Request 9**");
10. the number of occasions on which Post Office requested information from Fujitsu in relation to Horizon transactions for the purposes of assisting the prosecution of sub-postmasters ("**Request 10**");
11. the number of occasions on which Post Office requested information from Fujitsu in relation to Horizon transactions for the purposes of assisting a sub-postmaster to dispute a branch loss ("**Request 11**");
12. whether Post Office ever declined to request information from Fujitsu in relation Horizon transactions solely on the grounds of costs ("**Request 12**");
13. Post Office's annual budgets for requesting information from Fujitsu in relation to Horizon transactions ("**Request 13**");
14. the year in which Post Office spent the greatest amount of money on requesting information from Fujitsu in relation to Horizon transactions ("**Request 14**");
15. whether Post Office's procedure for reviewing disputed Horizon discrepancies has changed in any way from that described by Ms Dawn Phillips during the Horizon Issues Trial ("**Request 15**");
16. when Post Office requests information relating to Horizon from Fujitsu ("**Request 16**"); and
17. whether sub-postmasters can request information relating to Horizon from Fujitsu ("**Request 17**").

We have **aggregated** Requests 1 to 17. Post Office is permitted to aggregate "two or more requests"<sup>1</sup> under The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 ("**Fees Regulation**") where the requests:

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<sup>1</sup> The Guidance from the Information Commissioner's Office ([https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)) at

- (i) are made by one person, or by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign;
- (ii) are received within any period of 60 consecutive working days; and
- (iii) relate to any extent, to the same or similar information.<sup>2</sup>

We consider that these conditions are satisfied here as (i) you made Requests 1 to 17; (ii) Requests 1 to 17 were all made between 9 December 2021 and 11 January 2022 (a period of 21 working days) and (iii) Requests 1 to 17 are of a similar nature as they relate to the technical features and operation of Horizon, including the interaction between Post Office and third parties such as Fujitsu and BEIS in respect of Horizon.

Where requests are aggregated, Post Office can regard the estimated cost of complying with any one of the requests to be the estimated **total cost** of complying with all of them for the purpose of considering whether complying with the request would exceed the "appropriate cost limit" which is referred to in section 12(1) of FOIA.

The "appropriate cost limit" for Post Office is £450.<sup>3</sup> When estimating costs for the purpose of this limit, the rate of £25 per person per hour is used<sup>4</sup> and so £450 represents the cost of one person at Post Office carrying out 18 hours of work. However, the 18 hours of work can only relate to carrying out the following "permitted activities" in complying with the request:<sup>5</sup>

- (i) determining whether the information is held;
- (ii) locating the information, or a document containing it;
- (iii) retrieving the information, or a document containing it; and
- (iv) extracting the information from a document containing it.

We estimate that to search through our records in order to determine whether the information is held, locate the information, or documents containing it, and extract the requested information from our records given the volume of documents involved would take significantly longer than 18 hours. In response to your requests, we have conducted preliminary enquiries. From this, we understand that the information you have requested in respect of Request 3 alone would require Post Office to review several thousand sub-postmaster accounts and transaction correction logs from that six year period in order to extract the relevant information. Post Office would clearly be unable to do so within 18 hours.

As Post Office estimates that the "appropriate costs limit" would be exceeded, we are not obliged to process your requests further in accordance with section 12 of FOIA.

We may be able to provide information requested if you reduce or refine your requests to bring the cost of compliance under the limit. For example, several of the requests as currently worded are very broad (e.g. "Has this procedure changed in any

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paragraph 42 explains that "multiple requests within a single item of correspondence are separate requests for the purpose of section 12".

<sup>2</sup> See regulation 5 of the Fees Regulations.

<sup>3</sup> See regulation 3(3) of the Fees Regulations.

<sup>4</sup> See regulation 4(4) of the Fees Regulation.

<sup>5</sup> See regulation 4 of the Fees Regulations.

way?") and covers a lengthy period of time (e.g. "Did POL ever decline to..."). You might wish to consider narrowing these requests to particular types of documents, as well as limiting the timeframes to shorter periods.

However, you should note that Post Office considers that even if a refined request were received, the subject matter of the request may engage section 43(2) FOIA as some of your requests relate to material that could, or could be likely to, prejudice the commercial interests of a legal person or persons.

Should you choose to submit a refined request, Post Office will treat this as a new request for information and consider it in accordance with FOIA, including whether any exemptions apply.

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 above or to [information.rights@postoffice.co.uk](mailto:information.rights@postoffice.co.uk) stating your reasons for your internal review request.

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,



Chris Russell  
Information Rights Team  
[information.rights@postoffice.co.uk](mailto:information.rights@postoffice.co.uk)  
<http://corporate.postoffice.co.uk/secure-corporate/about-us/access-to-information/@postofficenews>

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