



Information Rights Team  
Post Office Limited  
Ground Floor  
Finsbury Dials  
20 Finsbury Street  
London EC2Y 9AQ  
033 3665 3951  
Your reference:  
Our reference: FOI2020/00429

Mr Peter Bell

request-673916-7837f2fd@whatdotheyknow.com

9 September 2020

Dear Mr Bell,

### **Freedom of Information Request – FOI2020/00429**

I refer to your recent request for information under the Freedom of Information Act 2000 ("**FOIA**"), as set out below:

*"Please provide a copy of the current guidance and/or rules which are provided to Post Office prosecutors and/or investigators when criminal prosecutions are being brought against Post Office subpostmasters and/or other staff for theft, fraud, false accounting or similar offences."*

As a matter of policy, Post Office Limited ("**Post Office**") no longer conducts private criminal prosecutions. As such, there is no "current guidance" provided to Post Office prosecutors and/or investigators "when criminal prosecutions are being brought".

However, we enclose the most recent versions of the relevant Post Office policies, which Post Office considers would be provided to prosecutors and investigators, if Post Office was to conduct another prosecution (notwithstanding that, as noted above, Post Office does not expect to do so).

You will see that Post Office has made one redaction to the Conduct of Criminal Investigation Policy. The redaction was applied to personal information, which is exempt from disclosure under section 40(2) and section 40(3A)(a) FOIA. These sections provide that any information to which a request for information relates is exempt information if it constitutes personal data and the disclosure of that personal data to a member of the public otherwise than under the FOIA would contravene any of the data protection principles (set out in Article 5(1) of the EU General Data Protection Regulation (GDPR) (Section 40(7) of the FOIA)). Post Office has therefore redacted personal data from the minutes where such disclosure to you would contravene the "lawfulness, fairness and transparency" principle set out at Article 5(1)(a) of the GDPR. Post Office considers that it has no lawful basis on which to disclose to you that redacted personal data since none of the lawful bases listed under Article 6(1) of the GDPR are available to it.

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  
Post Office Limited  
Information Rights Team  
Ground Floor  
Finsbury Dials  
20 Finsbury Street  
London  
EC2Y 9AQ  
[information.rights@postoffice.co.uk](mailto: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

A handwritten signature in black ink that reads "Chris Russell". The signature is written in a cursive style with a large initial "C" and a small mark above the "s".

Chris Russell  
Head of Data Protection & Information Rights & DPO  
[information.rights@postoffice.co.uk](mailto:information.rights@postoffice.co.uk)  
<http://corporate.postoffice.co.uk/secure-corporate/about-us/access-to-information/>