



Tim Bush
request-987666-
c7a9151f@whatdotheyknow.com

Date
4 August 2023

Post Office
100 Wood Street,
London, EC2V 7ER

Classification:
Public

Dear Tim Bush,

Freedom of Information Request – FOI2023/00397

We are writing in response to your email received by Post Office Limited (“**Post Office**”) on 4 July, which has been dealt with under the terms of the Freedom of Information Act 2000 (“**FOIA**”).

In your email you have requested the information shown in bold below:

“Thank you for the response. Given that today was the deadline for your response I find it unacceptable that you waited until the last day to raise a query that could have been asked far earlier in the timeline of this.

That said. My request relates to what is known as the Historic Shortfall Scheme (HSS). However, your reply implies that Herbert Smith Freehills (HSF) is involved in other schemes. I therefore request information on any compensation scheme where HSF has an involvement.”

The wording of your original information request (ref FOI2023/00313), which provides the context, was:

“I request information in whatever form held relating to the appointment of Herbert Smith Freehills for a role in the Post Office Compensation Scheme.

To save time and effort, I hold that legal professional privilege cannot apply as provision of a service by a lawyer isn't within the scope of litigation or advice privilege.

Further, the now Minister Mr Hollinrake in his letter of July 2020 to justice select committee chair Sir Bob Neill MP, said: "The mere fact that HSF acted on behalf of the Post Office in the legal action with the responsibility to minimise losses should prohibit them from taking any role in a compensation scheme."

<https://www.legalfutures.co.uk/latest-news/now-mp-targets-herbert-smith-over-post-office-work>.

Given that the now Minister had those misgivings regarding that appointment it is clearly in the public interest to have the facts regarding that appointment aired in public."

We want to be as open as possible in answering requests for information. The FOIA itself also requires us to provide reasonable advice and assistance to those seeking to make such a request. Unfortunately, your request is very broad and covers an enormous amount of information, possibly going back over 4 years. Gathering it together would therefore involve a significant cost and diversion of resources from the organisation's other work.

It may be helpful to explain why your request would involve a significant cost. The wording of your request asks for "information in whatever form" in relation to the "appointment" of Herbert Smith Freehills ("HSF") in any compensation schemes run by Post Office. Given the wide scope of your request, we would need to carry out electronic searches to find any responsive information, as it is possible that information exists at any point, relating to the appointment of HSF.

There are also multiple compensation routes that are running concurrently, including the Horizon Shortfall Scheme, Overturned Convictions, the Suspension Remuneration Review, and the Group Litigation Order Compensation Scheme, which is run separately by the Department for Business and Trade. As you have expanded your original information request to include all compensation schemes, we would also need to search for any relevant material relating to these compensation routes, even if HSF are not involved directly.

Section 12(1) of the FOIA allows Post Office to refuse a request for information if we estimate that the cost of complying with the request would exceed the appropriate fees limit, which currently stands at £450. This represents the estimated cost of one person spending 18 hours in determining whether we hold the information, and in locating, retrieving and extracting the information. On the basis of our estimates, we consider that the cost would exceed this limit and, as such, we are refusing your request.

However, if you were to make a new request for a narrower category of information, it may be that we could comply with that request within the appropriate limit, although we cannot guarantee that this will be the case.

The best way we can help you is to ask you to consider narrowing down your request to focus more clearly on the precise information you are seeking. You could, for example limit the time period of your request; and reduce the number of schemes you are requesting information about; and be clear about the information you are seeking – including whether you are seeking email correspondence, official letters or something else.

Please note that if you modify your request, we will handle it as a new request and so the 20-working-day deadline for responding to requests would then commence from the date that we receive the modified request and may also be subject to the cost limit or other FOI exemptions.

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 within 40 working days of receipt of this response stating your reasons for your internal review request or alternatively, by emailing 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,

Information Rights Team

information.rights@postoffice.co.uk

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

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