



Rt Hon Liam Byrne MP
Chair of the Business and Trade Committee
House of Commons
London
SW1A 0AA

05 March 2024

Post Office Ltd
100 Wood Street
London
EC2V 7ER

Dear Mr Byrne,

Post Office and Horizon: Ensuring fair and swift redress

Thank you for your letter dated 4 March 2024. I am responding on behalf of Mr Read as I consider he may be conflicted in doing so and I would like to make clear that he has had no part in this letter.

I fully recognise the importance of the work of the Committee and Post Office is committed to ensuring that it can assist you with your enquiries.

By way of recap, it appears as though Mr Staunton, when he gave evidence last Tuesday, was holding up the terms of reference for a Speak Up process. We think he may actually have been referring to a 12-page (and not 80 page) Speak Up document which raises a number of allegations, some of which relate to Mr Read, but a number of which do not. In accordance with Post Office's Speak Up process on whistleblowing, these allegations are being investigated by an external Barrister. This investigation is ongoing and Mr Read is fully co-operating with this investigation. At present, it is anticipated that the investigation will be concluded by the end of March/early April.

In my letter of 29 February, I also said that Post Office felt unable to disclose a copy of either the terms of reference or the Speak Up document for a number of reasons. Firstly and importantly, disclosure of the Speak Up document or the terms of reference could potentially undermine the integrity of Post Office's Speak Up process (if individuals considered that their Speak Up complaints could subsequently be disclosed) and also could undermine the ongoing investigation that is being conducted. I am sure you appreciate the importance of supporting and protecting whistleblowing complaints in any context, and especially so in the Post Office.

Secondly, Post Office also believed that it was bound by legal restrictions, including compliance with the Data Protection Act 2018, which mean that Post Office might be unable to disclose a copy of the Speak Up document or the terms of reference as they contained the personal data of a number of individuals.

Given these concerns, we greatly value your commitment to safeguarding data and individuals referred to in an external whistleblowing investigation, and your belief that it would be highly unlikely that the Committee would resolve to publish the documents that you have requested unless there was a public interest in doing so and, even then, only with proper redactions to protect the rights and interests of those individuals. My understanding is that you recognise that the very serious public interest in, and importance of, protecting whistleblowing/Speak Up processes (both generally and in relation to the Post Office) will weigh heavily against disclosure when balanced with the wider public interest.

We acknowledge your reassurance that you are used to handling sensitive material, including papers and records related to national security, and that any documents received will be handled and accessed securely in Parliament.



We also note your view, having consulted with Clerks and Speaker's Counsel, that parliamentary privilege overrides the requirements of the Data Protection Act 2018 (DPA). We are in the process of taking our own legal advice on that point, and you will appreciate that your letter gave us only a very short time to respond.

Having received your strong commitments on protecting data and the individuals referenced in the documents, our intention is to provide the Committee with fully unredacted versions of the documents listed at (a) and (b) of your letter. I anticipate that we will receive formal legal advice during the course of 5 March and we would also like to take the opportunity to notify concerned individuals (which is consistent with our DPA obligations in relation to fairness and transparency, which may not be overridden by Parliamentary Privilege). That is likely to take no more than 24 hours and I would therefore expect that we will be in a position to provide the documents which you have requested us to produce by 9.00 am on 6 March 2024. I hope that short delay will not unduly inconvenience the Committee and we should be grateful for your confirmation of this short extension to your request.

As far as the document you list at (c) is concerned, the investigation into Mr Read is an external, not internal, one (which you will see clearly when we provide you with document (a)). We think you may wish to see the "80 page Speak Up" document which Mr Staunton referred to when he gave evidence before the Select Committee. As far as we can ascertain from what Mr Staunton said, the 80 page document referred to by Mr Staunton is not a "Speak Up" document but instead is a document relating to a separate investigation into another individual.

It would be helpful to understand from you whether you also wish to see this document, in which case we will be able to respond constructively to any request you may make. You may wish to confirm your position after you have had the opportunity to consider documents (a) and (b).

As noted in my previous letter, I reiterate our commitment to provide a summary of the Barrister's findings to the Committee, once the external investigation has been concluded.

If you have any questions arising from the documents that we have provided, do please let me know.

Yours sincerely,

A handwritten signature in black ink, appearing to be "BT", written in a cursive style.

Ben Tidswell
Senior Independent Director, Post Office Limited