



Date
07 April 2025

Post Office
100 Wood Street
London EC2V 9ER

Your Ref:

Classification:
Public

Dear [REDACTED],

Freedom of Information Request – FOI2025/00160

We are writing in response to your email received by Post Office Limited (**"Post Office"**) on 7 March, 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 verbatim in bold below:

"I would like to request information of whether there were any issues and/or Horizon-related shortfalls that occurred at [REDACTED]

If any of this information is exempt from disclosure, please specify the exemption being relied upon and confirm whether any redacted or summarised versions can be provided. If my request is too broad or exceeds cost limits, I would appreciate guidance on how it may be refined to stay within the parameters of the FOI Act."

Post Office neither confirms nor denies whether we hold the information that you have requested, as section 40 (relating to personal data) and section 43 (relating to commercial interests) of the FOIA applies.

The reason for this is because by confirming or denying whether we hold information would, in itself, reveal sensitive information constituting the personal data of that individual and/or commercially sensitive information about their business. This is

especially important given that a disclosure under FOIA is into the public domain, rather than just to a FOIA Applicant only.

The exemption at section 40(5B) of the FOIA provides that a public authority is not required to confirm or deny whether information is held by virtue of section 40(2), if this confirmation or denial would itself contravene any of the principles in the Data Protection Act 2018 (“**DPA**”) and UK General Data Protection Regulations (“**UK GDPR**”).

In particular, it would be a breach of the first Data Protection Principle as set out in Article 5 of the UK GDPR, to confirm whether or not we hold the information you have requested, as it would not be ‘necessary or fair’ to the individual concerned, or ‘lawful’, as none of the conditions in Article 6(1) of the UK GDPR have been met. As this is an ‘absolute’ exemption, Post Office are not required to carry out a public interest test.

Please note that citing section 40(5) of the FOIA should not be taken as an indication that the information you requested is, or is not, held by Post Office.

We have also considered whether confirming or denying that the requested information is held would, or would be likely to, prejudice the interests protected by section 43(2). Section 43(3) of FOIA also provides that a public authority is not required to confirm or deny does whether information is held if complying with your request would, or would be likely to, prejudice any of the matters mentioned in section 43(1) or 43(2).

Revealing whether we hold information would damage the working relationship between Post Office and our current or future postmasters. If postmasters were to believe that business-sensitive matters will be made public by Post Office, it may dissuade them from continuing to work with Post Office, which would harm the commercial interests of both parties.

Section 43 is a ‘qualified’ exemption and, therefore, we have considered the following arguments to determine where the balance of public interest lies.

We recognise that there is a public interest in disclosing whether or not we hold information concerning details of Horizon-related shortfalls at the named branch, as

this helps promote transparency in Post Office business and an understanding of historic events including Post Office's role in those events.

However, there is a strong public interest in neither confirming nor denying whether the information is held, as to confirm whether information is held would, in itself, prejudice the commercial interests of Post Office and its postmasters. This is particularly the case for the individual(s) who owned the branch at the time, as it would associate them with issues/shortfalls should any be identified. It would, more widely, also harm the general working relationship between Post Office and postmasters.

As explained above, whilst there is a public interest in confirming whether or not information is held, the balance of the public interest lies in favour of maintaining the use of the neither confirm, nor deny limb of this exemption. For the avoidance of doubt, this response should not be taken as an indication that information in scope of your request is, or is not, held by Post Office.

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
www.ico.org.uk/foicomplaints

Yours sincerely,

Information Rights Team
information.rights@postoffice.co.uk

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

Post Office Limited is committed to protecting your privacy, information about how we do this can be found on our website at www.postoffice.co.uk/privacy