Operation Talla and the control of disclosure

The NPCC publication strategy and section 22 of the Freedom of Information Act

Introduction

A national policing strategy promised to publish accountability records by July 2021. It also sought a coordinated period before publication, warned that individual disclosures could damage strategic aims and urged authorities to record departures lest they undermine others' use of an exemption.

The public should now be told what was published, what was withheld and whether each decision met the law's requirements.

What the strategy establishes

The Operation Talla Publication Strategy identifies the NPCC as its organisation, gives a creation date of 9 March 2020, implementation on 12 March and review on 23 March.

Its front sheet identifies DCC Netherton as authorising officer; its final page contains a signature against NPCC Chair Martin Hewitt, with the date field uncompleted. The filename does not establish when this copy was disclosed.

The strategy requires referral of Coronavirus-related FOI requests to the national Freedom of Information and Data Protection Unit.

Stakeholders' views are to inform the receiving authority's final decision, based on a *"national corporate view"* and local factors.

National and local communications teams are also to be notified.

Consultation and coordinated publication can be legitimate.

During an genuine emergency, consistent figures, operational protection and efficient use of staff may serve the public. The strategy also expressly recognises case-by-case handling, the public interest test and the receiving authority's responsibility.

Those safeguards may be important so must therefore, at this stage, not be omitted from an assessment of the document.

Another passage, however, says the strategy was formulated to allow authorities to *"take advantage"* of section 22.

It describes a *"sterile period"* before publication and warns that *"random piecemeal disclosures may in fact damage strategic aims"*.

These phrases raise a specific question: *Were disclosure decisions driven by the requirements of the Act, or by a preference for controlling the timing and presentation of information?*

What section 22 permits

Section 22 concerns information held with a view to future publication, by the authority or another person.

That intention must already exist when the request is made and withholding until publication must be reasonable in all the circumstances. A fixed publication date is not essential. The

exemption is qualified: the public interest in withholding must outweigh the public interest in disclosure. An equal balance favours disclosure.

An exemption cannot be made automatically transferable

The strategy states that the NPCC intention to publish means section 22 is engaged for any public authority wishing to use it and calls the strategy *"transferable between all relevant parties"*. That wording needs careful scrutiny.

Participation in a national plan cannot remove the need to establish the statutory conditions for the information requested.

In December 2024, the ICO removed guidance suggesting that any authority holding circulated information could claim section 22. It clarified that the claiming authority must hold it with an intention that it be published, including through a third party. This was a clarification of guidance, not a new statutory provision. It does not, by itself, establish that earlier refusals were unlawful.

The reasonable questions are whether the strategy was reviewed following that clarification; whether current guidance still repeats the transferability claim; and what evidence each receiving authority retained of its own pre-existing publication intention.

A force need not publish the material itself, but an NPCC decision elsewhere is not a substitute for demonstrating that the force held the requested information with a view to publication.

Which information was actually going to be published

The ICO requires the publication intention to concern the specific requested information. A general plan to publish some information is insufficient; rejected publication material falls outside section 22.

Appendix A of the document promises publication of financial information, mutual aid, national figures and national decisions.

Under national guidance, it specifies sick pay and working time directives.

Under national decisions it specifies *"Accountability / recorded decision making"*.

These categories do not establish a settled intention to publish every internal email, every draft, or every later operational instruction.

If a request sought an instruction or the reasoning behind a decision, would the proposed publication have disclosed that information, or merely produced a summary? An exemption attaching to identified information cannot simply be extended to everything from which a publication might be assembled.

The public interest threshold

The strategy says departures from its section 22 approach should be recorded to avoid a precedent undermining other authorities' ability to use the exemption. It anticipates an *"overriding, compelling"* public interest factor.

Those words are not the statutory threshold. Section 2 requires a balance of public interests, not an exceptional-interest

hurdle for the requester. Recording reasons is sound practice; treating lawful disclosure as a threat to the availability of an exemption elsewhere would be a different matter. Authorities should explain whether this passage influenced decisions and demonstrate that the ordinary statutory balance was applied.

The July 2021 promise

Every populated publication row in Appendix A states: *"As and when risk diminishes and no later than July 2021"*.

More than five years have now passed. The immediate question is not whether every Talla document must be public, but it is whether the stated commitments were fulfilled.

The NPCC should identify the publications, dates and accessible locations corresponding to each category, particularly accountability and recorded decision making.

If publication was deferred, altered or abandoned, it should identify the decision, its date and reasons.

Missing a planned date does not automatically invalidate an earlier refusal, but continued reliance requires a genuine publication intention and a defensible assessment of the delay.

The chronology also matters.

The March 2020 document cannot, without further records, establish the publication arrangements for non-recording guidance and communications created in 2022, after its stated deadline.

If the strategy was extended or replaced, the later versions and their adoption records are necessary to establish what governed those materials.

A sterile period for what purpose

The strategy presents coordinated publication as a means of avoiding harm from incomplete information.

That may be justified where validation or necessary explanation is genuinely required.

The ICO recognises that context can matter, whilst observing that authorities can usually explain complex or incomplete material rather than withhold it.

The question is what specific harm premature release was expected to cause, how long preparation reasonably required and why explanatory material could not accompany disclosure.

Maintaining a consistent institutional message is not, by itself, a statutory exemption.

In Department for Business and Trade v Information Commissioner [2025] UKSC 27, paragraphs 21 - 23, the Supreme Court recognised the public interest in controlling publication timing under section 22, but stressed that qualified exemptions do not permit an unrestricted assessment of reasons against disclosure.

The reasoning must remain anchored to the applicable exemptions. Section 17 also requires the relevant refusal and public-interest reasons, subject to the Act's qualifications.

Neither confirm nor deny is a separate question

The strategy says that neither-confirm-nor-deny handling will be maintained wherever possible, while expressly rejecting a blanket approach.

That qualification should be tested against practice, as such a response needs a statutory basis; section 22(2) has its own conditions and a public interest balance.

National coordination does not itself supply that basis.

The strategy's subject-access passage does not extend section 22 to personal-data requests. A SAR is governed by the applicable data-protection regime. Nor does future public release automatically answer disclosure obligations arising in litigation or an investigation: those are separate legal questions.

Why the wider Talla evidence makes this important

Our investigation has examined a separate national policing email chain of 14 February 2022.

It records that reporting attempts continued, yet describes the *"guidance to not record"* as a *"success"* because only one additional report had been created.

The assessment was sent to Operation Talla Silver Owen Weatherill and the Press Office; its author is redacted.

That chain does not necessarily, alone, prove misuse of section 22. Nor does the March 2020 strategy necessarily prove that it caused the later non-recording approach. The two records concern different functions: handling requests for information and handling reports to police.

Their relationship must be investigated, not presumed.

They nevertheless make access to the decision records especially important.

If national guidance affected what entered a crime-recording system, the public has a substantial interest in understanding its authority, scope and safeguards.

A publication plan should enable that understanding, rather than leave the underlying questions dependent on fragmented disclosures years later.

The reasonable questions now requiring answers

The NPCC and relevant authorities should identify the strategy's versions, review history and period of operation; show what was published against the July 2021 commitments; and identify any later arrangements governing 2022 material.

They should explain how individual section 22 decisions established the requested information's intended publication, assessed the reasonableness of delay and balanced the public interest.

An audit should establish whether authorities could depart from national recommendations without pressure to preserve a common refusal position; what role communications teams played; and whether the ICO's December 2024 clarification prompted revisions.

Relevant request files, consultation records, publication decisions and audit histories should be preserved.

Any findings must distinguish justified refusals from decisions unsupported by the necessary evidence.

The strategy is evidence of a planned national approach to disclosure.

It is not, by itself, proof of unlawful concealment.

The appropriate public demand is a documented account of how that approach operated.

Publication promised for the future must remain an instrument of transparency, not become a reason why accountability never arrives.

Sources

NPCC, Operation Talla Publication Strategy, created 9 March 2020

Freedom of Information Act 2000, sections 2, 17 and 22.

ICO, Information intended for future publication and research information, version 1.2, 12 December 2024, paragraphs 5, 9–11, 28 and 36.

ICO, What's new, entry December 2024.

Department for Business and Trade v Information Commissioner [2025] UKSC 27, 23 July 2025, paragraphs 11 - 13 and 21 - 23.

Disclosed email chain, Full Fact: Time sensitive, false claims of live investigation into vaccines, 14 February 2022.

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