

Sent to NPCC FOI and Data Protection Teams on 11 September 2026 at 16:21

Dear NPCC Freedom of Information Team

Re: Operation Talla FOI correspondence - Ethical Approach UK paper

I write further to our previous correspondence concerning my requests for information relating to Operation Talla.

I attach, for your information, a paper which I have now prepared titled, *“Vexatious - The Buzzword Used by State Institutions When They Don't Want to Answer Reasonable Questions of Accountability”*.

I want to make clear at the outset that I send the paper in a positive and constructive spirit, rather than adversarially.

Indeed, it is important that I acknowledge something which could easily become lost in a discussion about the later application of section 14.

Information previously provided to me by the NPCC FOI Team has significantly assisted my investigation into Operation Talla. For that assistance, I am genuinely grateful.

Some of the information disclosed and the reconsideration of earlier positions through the internal review process, has enabled matters of considerable public interest to be examined much more closely than would otherwise have been possible. That contribution to the evidential picture should be acknowledged fairly.

It is therefore unfortunate that our later correspondence reached the point at which further requests concerning Operation Talla were treated as vexatious.

My concern is not with the legitimate existence or application of section 14 of the Freedom of Information Act.

As the attached paper expressly recognises, public authorities are entitled to protect their staff and resources from genuinely abusive or disproportionately burdensome use of the information regime.

My concern is rather more specific.

The investigation has continued to produce new evidence and that evidence has necessarily generated new questions. Indeed, the NPCC's own chronology recorded an earlier Operation Talla FOI decision as having been “*overturned*” on internal review.

More particularly, one of the subsequent requests treated as vexatious concerned the Operation Talla Ethics Committee: its establishment, governance, membership, deliberations, advice and influence. The request expressly concerned the ethical scrutiny exercised within a nationally coordinated policing operation.

As the attached paper explains, the resulting position strikes me as worthy of reflection. The NPCC's response itself recognised accountability, understanding institutional decisions, transparency and justice as matters capable of constituting objective public interest.

It is difficult to identify a clearer public-interest enquiry than one directed towards establishing what independent ethical scrutiny was applied to the exercise of national policing power, what advice was given and how that advice influenced operational decision-making.

I do not suggest that the subject matter of an FOI request can, by itself, prevent section 14 from applying. The paper expressly acknowledges that it cannot.

The question I raise is instead one of proportionality and engagement: where an enquiry possesses an identifiable and substantial public-interest purpose and where its continuation has been materially informed by emerging evidence and previous disclosures, should reasonable means of refining and answering the enquiry be exhausted before the language of vexatiousness closes the door?

That is the issue upon which I respectfully invite reflection.

I hope the attached paper will therefore be received in the spirit in which it is sent. It is intended neither as criticism of individual members of the FOI Team nor as an attack upon the legitimate pressures under which that team operates. It is actually an examination of a wider accountability question which, in my view, the Operation Talla correspondence has brought into particularly sharp focus.

Finally, I want to reiterate my appreciation for the assistance which the NPCC FOI Team has previously provided.

Whatever differences may now exist concerning the application of section 14, your earlier disclosures have made a material and valuable contribution to my understanding and investigation of Operation Talla. I am grateful for that assistance and I hope that constructive engagement concerning these important public-interest matters can continue.

With thanks again for your previous assistance and for taking the time to consider the attached paper.

Kind regards

Ian

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VEXATIOUS

*The Buzzword Used by State Institutions When They
Don't Want to Answer Reasonable Questions of
Accountability*

Author: Ian Clayton

Ethical Approach UK

Persistence is not rendered vexatious merely because the institution would prefer the enquiry to end; still less where it is the institution's own changing answers and emerging records which provide the reason for its continuation.

Introduction

There is a word increasingly encountered by those who persist in asking public institutions questions they would rather not answer.

Vexatious.

It is a powerful word. Once deployed, it can transform the person asking questions from citizen to nuisance; the investigation from legitimate scrutiny to obsession; and the institution being questioned from the subject of accountability into the supposed victim of unreasonable persistence.

The citizen asks what happened. The institution answers incompletely, ambiguously, or not at all. Further documents emerge. Those documents qualify, contradict or complicate the earlier account. The citizen therefore asks a more precise question.

Eventually, attention can migrate away from the unanswered question and towards the conduct of the person asking it. They have written too often. They have pursued the matter for too long. They refuse to accept the answer. Their correspondence has become persistent.

And finally: Vexatious.

At that point something constitutionally important may have happened. The question has not necessarily been answered. It has merely acquired a label.

What the law actually says

Section 14(1) of the Freedom of Information Act 2000 provides that a public authority is not obliged to comply with a request if the request is vexatious. The provision has a legitimate and necessary function. Public authorities should not be required indefinitely to devote resources to correspondence which is manifestly unjustified, abusive, harassing, or grossly disproportionate.

But section 14 is not a general power to silence troublesome people. Nor does persistence automatically amount to vexation.

The Information Commissioner's Office explains that the central question is whether compliance would cause a disproportionate or unjustified level of disruption, irritation or distress. The assessment is holistic. The familiar Dransfield themes are burden, motive, value or serious purpose, and harassment or distress. They are not a mechanical checklist.

The request is vexatious - not the person.

That distinction matters. Once an individual becomes known internally as persistent, prolific or difficult, there is an obvious danger that later requests are viewed through that reputation rather than assessed on their own substance, purpose and context.

The ICO also makes an important point about later requests: a future request from the same applicant must still be

considered on its own merits. Related subject matter is not, by itself, enough.

Why is the person having to ask again?

This may be the most neglected question in the entire debate.

A public authority faced with repeated requests may count the requests. It should also examine why they multiplied. Earlier answers may have been incomplete. They may have conflicted. A later disclosure may have undermined an earlier position. A document produced by another authority may have generated a legitimate new line of enquiry.

The ICO's guidance recognises that context and history matter. The value and serious purpose of the request must be weighed against its impact. In some cases a significant burden is outweighed by the public value of the enquiry.

Suppose a citizen asks one reasonable question. The authority gives an ambiguous answer. The citizen seeks clarification. The second answer conflicts with the first. A document is then disclosed which conflicts with both. The citizen asks about the document. Another authority discloses related material, requiring a fifth question.

The institution can count five requests.

There is another way of describing the same history: one unresolved issue producing five evidentially necessary questions.

Persistence is how investigation works

Investigation is iterative. Document A reveals Document B. Document B identifies Meeting C. Meeting C identifies Person D. Person D's correspondence conflicts with Statement E. The investigator then asks about Statement E.

The fifth question cannot intelligently be assessed as though the first four produced no new information. Evidence changes the question.

Persistence is not necessarily vexation. Sometimes it is simply the mechanism by which facts are discovered.

The Operation Talla example: when 'vexatious' entered the correspondence

The Operation Talla investigation provides a primary documentary example.

On 21 October 2025 the National Police Chiefs' Council responded to FOI 2558/2025 concerning Operation Talla. The request sought, among other things, directives and guidance relating to Covid-related public complaints, material concerning the Operation Talla awards programme, related internal communications, and records of reviews or complaints.

The NPCC aggregated the request with another request for cost purposes and refused substantial parts under section 12, stating that determining and retrieving the information would exceed the statutory cost threshold.

That was a statutory refusal capable of challenge in the ordinary way.

The letter then went further. Under the heading 'Vexatious S14 Warning', the NPCC referred to the volume of requests, other forms of contact, repeated themes and the volume of Operation Talla records. It warned that future requests would be considered under section 14(1).

The significance lies not in saying that such a warning was necessarily unlawful. It lies in examining the history which the NPCC itself relied upon.

The NPCC's own chronology contains the problem

The NPCC identified previous Operation Talla requests concerning directives, Covid policing and vaccine-related criminal allegations, NPoCC activities and internal direction, vaccine-related information, the vaccination programme, and Operation Talla directives, awards and oversight.

There was repetition of broad subject matter. But the NPCC's own chronology recorded something else.

2329/2025 IR of 2264/2025 Directive issued on the advice of the NPCC - Op Talla (overturned)

Overtured.

That word matters. If an earlier institutional decision required reversal on internal review, continuing enquiries about the same underlying subject cannot fairly be assessed without considering why the requester continued asking questions.

The proper enquiry is not merely: how many times has this person written about Operation Talla? It is also: what happened in the earlier correspondence which caused the enquiry to continue?

A second NPCC refusal: when the question deemed vexatious was about ethics

The evidential picture became still more striking with NPCC FOI 2707/2026.

That request was expressly entitled 'Operation Talla Ethics Committee'. It arose from the NPCC's own official Operation Talla Awards Programme, in which an individual was credited with having 'established and managed the Op Talla Ethics Committee' and having 'communicated views which helped shape service delivery and improve trust and confidence.'

The request sought the documentary architecture of that ethical scrutiny: establishment and authorisation records; terms of reference; governance; membership; chairing and reporting arrangements; meeting dates; minutes; notes; briefing and advice papers; communications; and records evidencing the views or advice which were said to have shaped service delivery.

It also sought communications between the committee or its members and NPCC leadership, Operation Talla command structures, police forces, prosecutorial bodies and government departments, insofar as those communications

related to ethical considerations, legitimacy, public confidence or decision-making.

The request expressly stated that it was made in the public interest because of the acknowledged role of the Ethics Committee in shaping operational decisions within a nationally coordinated policing framework.

This was therefore not merely a request about Operation Talla. It was a request about the ethical scrutiny of Operation Talla.

The NPCC stated the public-interest test - and thereby exposed the central tension

The refusal is remarkable because the NPCC itself set out the Dransfield question: whether the request had value or serious purpose by reference to an objective public interest.

It then identified examples of public interest which included holding public authorities to account for their performance, understanding their decisions, transparency, and ensuring justice.

Those propositions sit unusually close to the purpose of the request actually before it.

The request sought to discover what ethical scrutiny existed within a national policing operation, who performed it, what records were created, what advice was communicated, and how that advice was said to have influenced service delivery and public confidence.

Measured against the NPCC's own stated public-interest criteria, the request plainly engaged serious questions of accountability, institutional decision-making and transparency.

That does not, as a matter of law, make section 14 unavailable. A request with serious public value can still be vexatious if its impact is sufficiently disproportionate. But it means that the value side of the balance cannot simply disappear.

What reason did the NPCC actually give?

The NPCC relied substantially upon cumulative burden, the history of Operation Talla requests, the small size of its FOI decision-making resource, and the breadth of the latest request.

It stated that there were two NPCC FOI decision-makers and that the threshold at which burden became grossly oppressive was therefore lower than for a larger public authority.

It then listed the earlier Operation Talla requests and referred to the section 14 warning issued in October 2025. It characterised FOI 2707/2026 as similarly broad, without time parameters, and seeking a large volume of minutes, notes, briefing papers, advice notes, summaries, emails, memoranda and other records concerning the Ethics Committee.

There is a legitimate burden argument in that reasoning. A wide request for several classes of historic material can impose substantial work.

But if breadth and search burden were the central problems, another question immediately arises: why was the institutional response 'vexatious', rather than meaningful assistance to formulate a narrower request?

The ICO's guidance makes that question harder, not easier

The ICO's current detailed guidance is particularly relevant. Where burden is the primary concern, it says a public authority should consider contacting the requester before relying on section 14 to see whether a less burdensome request can be made.

More pointedly, the ICO records that Dransfield itself suggested that where a request is broad and captures a large volume of information, it may be more appropriate to provide advice and assistance encouraging refinement rather than relying on section 14(1).

The ICO's section 16 guidance likewise says that, even where a request is considered vexatious on grounds of burden or cost alone, reasonable advice and assistance should be considered so that a refined, less burdensome request may be possible.

That does not decide the legality of the NPCC refusal. It does, however, sharpen the accountability question which the refusal creates.

The final-page irony: section 16

There is a striking juxtaposition on the final page of the January 2026 refusal.

After refusing the ethics-related request under section 14, the NPCC reproduced section 16(1) of FOIA:

It shall be the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so, to persons who propose to make, or have made, requests for information to it.

The statutory position is nuanced. Section 14 does not automatically compel an authority to undertake a full section 16 exercise in every vexatious case. But the ICO's guidance is clear that advice and assistance remains an important consideration, particularly where burden or breadth is the problem.

The juxtaposition therefore matters.

If the request was too broad, what practical route was offered by which the public-interest questions about Operation Talla's ethical scrutiny could still be answered in a proportionate form?

The ethical paradox

There is a particular irony when the language of vexatiousness is deployed against an enquiry whose very purpose is to discover what ethical scrutiny was applied to the exercise of public power.

That does not make section 14 legally unavailable. An ethics-related request can be vexatious like any other.

But it makes the quality of the justification particularly important.

Here, the public authority itself acknowledged that accountability, understanding decisions, transparency and justice are recognised forms of objective public interest. The request sought the records of an ethics committee which the NPCC's own material said helped shape service delivery and improve trust and confidence.

The harder question is therefore not 'Can an ethics-related FOI ever be vexatious?' Plainly it can. The harder question is whether this particular public-interest enquiry was treated proportionately, and whether a reasonable route to the underlying information was genuinely explored before section 14 closed the door.

Then came Leicestershire

Ethical Approach UK's later paper concerning Leicestershire Police alleged a similar pattern in Operation Talla-related enquiries: section 14 language, an alleged failure to engage

with a refined timeframe, and subsequent reliance on different explanations concerning whether records existed or could be located.

Those are EAUK's allegations and should be tested against the underlying Leicestershire correspondence before a final legal conclusion is expressed. The paper itself is not independent proof of each allegation it makes.

Its relevance here is narrower and stronger. It records that the word 'vexatious' had again entered enquiries concerning the same broad accountability subject while the underlying investigation was continuing to generate documentary material.

That is precisely the setting in which a public authority must distinguish between genuinely duplicative demands and new questions generated by new evidence.

When the evidence changes, the question changes

Suppose an institution says there was no national instruction. Later, a document emerges referring to national advice. The citizen asks how the two positions can be reconciled.

That is not simply the first question asked again. It is a new question generated by new evidence.

If a later document identifies a command structure, a communication channel, a meeting or another participant, another question may follow. The investigator necessarily

returns to the same broad subject because the subject is the investigation.

Common subject matter is not, without more, evidence that an enquiry lacks serious purpose.

The proper question is whether successive enquiries are genuinely duplicative and disproportionate, or whether the evidence itself keeps moving the investigation forward.

The institutional temptation

The same persistence which an investigator regards as necessary can be experienced by the institution as burdensome.

The investigator thinks: you still have not answered the question.

The institution thinks: we have already corresponded with this person repeatedly.

Both perceptions can coexist. But a public authority possesses the records, employs the officials, attended the meetings and generated the correspondence. The citizen generally knows only what has been disclosed.

That informational asymmetry is central to public accountability. Persistence by the person outside the institution must not automatically be equated with misconduct simply because it creates inconvenience inside it.

Accountability is occasionally inconvenient. That is rather the point.

The transformation of the questioner

There is a recognisable institutional progression. Initially the matter is treated as a request. Then as correspondence. Then as repeated correspondence. Then as a burden. Eventually the requester risks becoming the subject.

The enquiry moves from 'Does this information exist?' to 'Why have your answers changed?', then to 'Why does this document conflict with your earlier response?', and finally to 'Why does this person keep writing to us?'

At that moment the institution has travelled from examining the evidence to examining the questioner.

That transition should always attract scrutiny, because the unresolved factual question may remain exactly where it was.

'We have already answered this'

Sometimes an institution genuinely has answered the question. There must come a point where an issue has been comprehensively examined, relevant information disclosed, lawful exemptions explained and no useful public purpose would be served by endless repetition.

But the proposition 'we have already answered this' has an essential prerequisite.

The question must actually have been answered.

Repetition of an institutional position is not necessarily an answer to new evidence challenging that position.

There is a material difference between 'we have previously stated that no such policy existed' and 'here is a subsequently disclosed document apparently referring to such a policy; please explain how your previous answer can be reconciled with it.'

The second question exists because the evidential landscape changed.

When documents keep appearing

Incremental disclosure creates a particular difficulty. An authority says it holds no information. Later information appears. An institution says there was no national approach. Later correspondence identifies national coordination. An institution says no investigation occurred. Later records disclose investigative handling.

At each stage the responsible investigator is entitled to ask how the accounts fit together.

That question does not become illegitimate merely because answering it is uncomfortable. Indeed, the greater the apparent conflict between an earlier institutional account and later primary evidence, the greater the potential public value in obtaining a proper explanation.

The State must tolerate scrutiny

Public institutions possess powers ordinary citizens do not. Police forces can arrest. Regulators can sanction. Government departments formulate policy. Public authorities retain information unavailable to those affected by their decisions.

With power comes scrutiny.

Meaningful scrutiny cannot be limited to questions which are convenient, infrequent or easily answered. Nor should criticism itself transform a request into vexation.

An uncomfortable allegation may be wrong. A requester may misunderstand a document. A suspicion may ultimately prove unfounded. Those possibilities justify correction, not evasion.

The appropriate response to a mistaken factual proposition is evidence and explanation.

The necessary warning to requesters

Accountability works both ways. Freedom of information rights can be abused. Duplicative requests on a vast scale, personal abuse, threatening language, deliberate disruption, obsessive targeting of individuals or correspondence possessing no genuine informational purpose may properly cross the statutory threshold.

Acknowledging that strengthens the argument rather than weakens it. Section 14 has a proper function.

The objection is not to the existence of 'vexatious'. It is to its misuse.

Once a safeguard against abuse becomes an administrative shortcut, it risks protecting institutions not from harassment but from accountability.

A useful preliminary test

Whenever an authority considers section 14 in an accountability enquiry, three preliminary questions may be illuminating.

First: what is the objective value and serious purpose of the information being sought?

That question matters especially where the request concerns governance, ethical scrutiny, institutional decision-making or the exercise of public power.

Second: if the underlying question were answered clearly, accurately and with the relevant evidence, would the correspondence probably stop?

If the answer is yes, the underlying problem may not be persistence.

Third: have the authority's own previous answers, reversals or later disclosures materially contributed to the further requests?

Were they incomplete? Inconsistent? Overturned? Did later disclosure undermine them? Did the authority disclose information which reasonably generated another enquiry?

Only after that context is confronted can repetition be assessed fairly.

Accountability cannot be defeated by vocabulary

Language has power inside bureaucracies.

Vexatious. Persistent. Prolific. Disproportionate. Burden.

Each can describe a genuine problem. Each can also change the institutional conversation.

The danger arises when officials cease asking 'Is the question justified?' and begin asking 'How do we stop having to answer it?'

Those are fundamentally different exercises. The first belongs to accountability. The second risks becoming institutional self-protection.

The constitutional irony

Freedom of information exists because Parliament determined that public institutions should be subject to transparency and accountability. Section 14 exists to prevent that right being abused.

It would be a constitutional inversion if a provision designed to protect the functioning of transparent government became a means by which government avoided transparency.

The statutory question is not whether an official finds the requester irritating, whether the institution has become weary of the subject, whether the questions are

embarrassing, or simply whether there have been many of them.

The question is whether, considered in its proper context, the request represents an unjustified or disproportionate use of the statutory information regime.

The most dangerous unanswered question

There is an institutional instinct older than freedom of information legislation: when the message becomes difficult, examine the messenger; when the allegation persists, examine the complainant; when the question refuses to disappear, redefine the questioner.

Sometimes the person asking repeatedly is unreasonable. Sometimes the authority has answered fully. Sometimes section 14 is entirely justified.

But sometimes the citizen keeps asking because the documents keep changing the answer. Sometimes two official accounts cannot both be correct. Sometimes an internal review has overturned the earlier position. Sometimes the first question was never answered.

And sometimes the unanswered question concerns the very ethical machinery which was supposed to scrutinise the exercise of public power.

In those circumstances, describing the request as vexatious does not resolve the contradiction.

It merely places a bureaucratic label over it.

Conclusion

Public authorities are entitled to protect their staff and resources from genuine abuse. Citizens are entitled to hold public authorities to account. Neither proposition diminishes the other.

The danger lies in confusing persistent accountability with vexatious conduct.

The Operation Talla correspondence now provides a particularly instructive case study. An earlier NPCC decision was recorded as overturned. A subsequent warning placed future requests under the shadow of section 14. Then a request directed specifically to the existence, governance, deliberations and influence of Operation Talla's Ethics Committee was itself refused as vexatious.

The January 2026 refusal is especially notable because it simultaneously recited the public-interest concepts of accountability, understanding decisions, transparency and justice; relied substantially upon cumulative burden and breadth; and reproduced the statutory language of section 16 concerning advice and assistance.

None of those facts, individually or collectively, proves that the NPCC acted unlawfully. They do, however, create a legitimate and important accountability question about proportionality.

If the problem was breadth, was a realistic route to a narrower answer offered? If the subject had serious public

value, how was that value weighed? If previous answers had been overturned or new evidence had emerged, how was that history treated?

There is an obvious way for a public authority to demonstrate that a persistent investigator is wrong: answer the question; identify the record; disclose the evidence where the law permits; explain the contradiction; correct the misunderstanding; and, where information cannot lawfully be disclosed, identify the proper statutory basis for withholding it.

Where reasonable questions remain unanswered, official accounts change, earlier decisions are overturned, previously undisclosed documents continue to emerge and each new disclosure generates an obvious further question, the State should exercise particular caution before reaching for its most convenient adjective.

'Vexatious' is not an answer.

It is a statutory conclusion which requires justification. No matter how often the word appears on official letterhead, it cannot transform an unanswered question of public accountability into an answered one.

Persistence is not rendered vexatious merely because the institution would prefer the enquiry to end; still less where it is the institution's own changing answers and emerging records which provide the reason for its continuation.

When the question is reasonable, the evidence is material and the answer remains outstanding, persistence may not be the problem. It may be the only reason the truth eventually emerges.

Source note

Primary material considered: NPCC FOI response 2558/2025 dated 21 October 2025; NPCC FOI response 2707/2026 concerning the Operation Talla Ethics Committee; and the Ethical Approach UK paper 'EXPOSÉ: A National Policing Breakdown Laid Bare via Leicestershire' dated 1 December 2025. Allegations in the EAUk Leicestershire paper are identified as such and are not treated as independently established merely by their inclusion in that publication.

Legal and regulatory framework considered: Freedom of Information Act 2000, sections 14 and 16; Information Commissioner's Office guidance on vexatious requests, burden, value or serious purpose, and advice and assistance.

Ethical Approach UK

11 September 2026