



Operation Talla Publication Strategy

Background

On 30 January 2020 the World Health Organisation declared the outbreak of COVID-19 a “Public Health Emergency of International Concern”.

Public Health England anticipates the number of cases of the virus in the UK to increase considerably over the coming weeks.

The Government produced its [Action Plan](#) in response to the spread of the Coronavirus.

There are three phases to the Government’s response to the virus, which Leicestershire Police are also working to:

- **Contain** – detect early cases, follow up close contacts, and prevent the disease taking hold in this country for as long as is reasonably possible
- **Delay** – slow the spread in this country, if it does take hold, lowering the peak impact
- **Mitigate** – provide the best care possible for people who become ill, support hospitals to maintain essential services and ensure ongoing support for people ill in the community to minimise the overall impact of the disease on society, public services and on the economy

National Policing (NPCC)

Leicestershire Police is committed to the prevention of crime and disorder, and the protection of life and property across Leicester, Leicestershire and Rutland. Leicestershire Police is preparing for a large increase in demand and ensuring we have the resources to support the National direction. The Chief Constable of Leicestershire Police is engaging with the government COBRA meetings to ensure resilience and support of the National Action plan.

Freedom of Information Act 2000 (FOI)

The legislation gives the public an automatic right to request information from a public authority (PA). For the purposes of this publication strategy, the relevant PA will be Leicestershire Police. It is important to note that any information held by Leicestershire Police for policing purpose, will be subject to the legislation. **It is mandated that the information holder, receiving the request, will be solely responsible for decisions regarding disclosure.** However, under Section 45 of the FOIA 2000 clearly states that there is a requirement to consult any third parties who may be affected by disclosure of the requested information.

In order to facilitate this, all FOI requests capturing information relating to the Coronavirus, are until further notice, considered to be a mandatory referral to the NPCC Freedom of Information and Data Protection Unit (NPFDU) as per College of Policing Authorised Professional Practice (APP), a process all chief officers including those at Leicestershire Police are signed up to.

This decision along with Leicestershire Police's communications team allows Leicestershire Police to apply the exemption within the FOI Legislation, of Section 22.

Section 22 cannot be used, and Leicestershire Police cannot make the decision to publish the information, **after the request for information is received**. The key to it is that the decision to publish must have been made prior to any request for the information being received.

Leicestershire Polices decision to produce this intention to publish data means that the Section 22 exemption is engaged for any relevant and related requests. It should also be noted that decision does not have to have been made by Leicestershire Police, but can be made by any party who also holds the same information. **This publication strategy is therefore transferable between all relevant parties.**

The identified benefits of engaging this exemption are that dealing with requests for certain data whilst the negotiations are ongoing can be complex and resource intensive. The exemption allows for the removal of predicted demand and enhanced transparency where appropriate. Also, random piecemeal disclosures may in fact damage strategic aims.

There will also be an appetite from the news media and others to gain knowledge and data via FOI, and publication will provide for transparency and accessibility to information which is not sensitive for operational or other reasons.

The application of this exemption also allows a sterile period, prior to publication, where all the stakeholders are able to engage, ensuring the final publication meets the full needs of the public and the authorities involved. This coordinated approach to publication mitigates any harm that may be caused by random incomplete information entering the public domain.

What is critical to the success of this strategy is that any rationale for not complying with the Section 22 approach is recorded so that a precedent is not set which undermines the ability for public authorities to engage the exemption. This is most likely to occur as a result of an overriding, compelling, public interest factor, specific to an individual request; the exemption itself is subject to a public interest test and such matters must be dealt with on a case-by-case basis.

Data Protection Act (DPA)

In addition to FOI requests, Leicestershire Police may also receive a request under subject access for personal information under the DPA. The main difference between this and FOI is that a release of personal information is not a release to the world in general. Although it is impossible to prevent what a data subject may do with their information, the information itself is also subject to a range of exclusions to disclosure, primarily law enforcement. As with FOI, the ultimate decision on disclosure will lie with the individual Data controller.

Appendix A

Information held and due for publication by Leicestershire Police	Relevant subject material	Publication Schedule
Financial Information		As and when risk diminishes and no later than July 2021.
National Guidance	Sick pay and working time directives	As and when risk diminishes and no later than July 2021.
Mutual Aid	Requests Requirements	As and when risk diminishes and no later than July 2021.
National Figures	Officer sickness Staff sickness Overtime cost Demand	As and when risk diminishes and no later than July 2021.
National Decisions	Accountability / recorded decision making	As and when risk diminishes and no later than July 2021.
Hate Crime	Recorded hate crime that relate to the Coronavirus either through verbal interaction with the victim or the perception by the victim based on race, ethnicity or country of origin.	As and when risk diminishes and no later than July 2021.