

**Force Disclosure Unit**

Wiltshire Police HQ

London Road

Devizes

Wiltshire

SN10 2DN

Tel 101 ext 62005

www.wiltshire.police.ukdisclosure@wiltshire.pnn.police.uk

XXXXXX – by E Mail

Date: 3rd July 2023

Your ref: FOI

Our ref: FOI 2023 / 648

Reply contact name is: Nick Penny

Dear XXXXXX,

I write in connection with your request for information dated 21st June 2023 concerning Payments to Informants or CHIS (Covert Human Intelligence Sources).

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and – having consulted our Intelligence and Finance Teams - I am able to provide a partial disclosure to you as follows.

You wrote :

Please could you provide me with the following:

1. How much money, in pounds sterling, has the force paid police informants – known as Covert Human Intelligence Sources (CHIS) – in the past three financial years? (Please could the figures be broken down year-by-year and be provided for 2022/23, 2021/22, 2020/21).

For each financial year please could the total amount paid to Covert Human Intelligence Sources be stated, as well as the number of Covert Human Intelligence Sources who received payment.

2. What was the largest amount paid to an informant/Covert Human Intelligence Source (CHIS) by the force in each year? Please provide the amount of the largest payment to an informant each financial year.

Please note, the amount should include the total of all payments to the informant in one financial year – for example, if the same informant received several payments in the financial year, please could the total amount for those payments be provided.



INVESTOR IN PEOPLE

Our Response

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1(1)(b) is to disclose information that has been confirmed as being held.

Please see end of letter for the data that can be provided in relation to your request.

Wiltshire Police can neither confirm nor deny that it holds information relevant to this request by virtue of the following exemptions:

Section 23(3) Information supplied by, or concerning, certain Security Bodies
Section 24(2) National Security
Section 30(3) Investigations

Section 23 is a class based, absolute exemption and there is no requirement to consider the public interest in this case. This is to protect any information supplied by, or concerning, certain Security Bodies that may or may not be linked to Covert Human Intelligence Sources (CHIS) or informants.

Section 24 and Section 30 are both class based, qualified exemptions and as such there is a requirement to carry out a public interest test.

Public Interest Test

Section 24(2) National Security

Factors favouring complying with Section 1(1)(a) confirmation or denying that any other information is held

The public are entitled to know how funds are spent and resources distributed within an area of policing. To confirm whether any further information exists would enable the general public to see where funds are allocated in order to prevent crime. It would demonstrate that payments made to CHIS are done in line with RIPA legislation and local force policies and procedures.

Factors against complying with Section 1(1)(a)

Taking into account the current security climate within the United Kingdom, no information which may aid a terrorist should be disclosed. To what extent confirmation or denial may aid a terrorist is unknown, but it is clear that it will have an impact on a force's ability to monitor terrorist activity.

The public entrust the Police Service to make appropriate decisions with regard to their safety and protection. The only way of reducing risk is to be cautious with what is placed into the public domain and in some circumstances such as these, confirmation or denial that information is held.

The cumulative effect of terrorists gathering information from various sources would build a picture of vulnerabilities within certain scenarios. The more information disclosed over time will provide a more detailed account of the tactical infrastructure of not only a force area but also the country as a whole. Any incident which results from such a disclosure would by default affect National Security.

Section 30(3) Investigations

Factors favouring complying with Section 1(1)(a) confirming that information is held

Confirming or denying that any further information exists would lead to a better informed public, improving their knowledge and understanding of how the Police Service utilise Covert Human Intelligence Sources as part of their investigative policing.

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Confirming that further information exists could promote public trust in providing transparency and demonstrating openness and accountability into how the investigation took place. It could also provide reassurance to the public that the Police Service takes all reports of a crime seriously and conducts investigations appropriately. To confirm if further information is held could allow the public to have a better understanding of the effectiveness of the Police Service.

Factors against complying with Section 1(1)(a) confirming or denying that information is held

However, by its very nature information held relating to informants is sensitive in nature. Under FOI there is a requirement to comply with Section 1(1)(a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts harmful to informants. In some cases their mere existence can place individuals in grave danger. The only methodology which will provide the required degree of protection to those individuals is if the force takes advantage of its ability under FOI legislation to, when appropriate, not confirm or deny that the information requested is, or is not held. The Police Service will never confirm or deny information is held if in doing so could identify investigative activity and therefore undermine their investigations. To do so would hinder the prevention or detection of crime.

Balance test

The security of the country is of paramount importance and the Police service will not divulge information if to do so would place the safety of an individual at risk or undermine National Security. Whilst there is a public interest in the transparency of policing operations, information gathering and in this case providing assurance that the police service is appropriately and effectively safeguarding CHIS who are crucial in the detection and prevention of crime and the conviction of terrorists and criminals. Furthermore, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in the highly sensitive area of terrorism.

Wiltshire Police Force will not divulge information, should it be held, if it is likely that it will compromise the work of the Police Service or place informants at risk, which in turn would increase risk to the public. It is known that terrorist cells and criminal organisations will try to identify CHIS in order to eradicate them. Disclosure of the requested information, if held, would place those in vulnerable situations at higher risk of harm and adversely affect policing in Wiltshire Police area.

It is for these reasons that the public interest must favour neither confirming nor denying that the requested information is held. However, this should not be taken as necessarily indicating that any information what would meet your request does or does not exist.

How much money, in pounds sterling, has the force paid police informants – known as Covert Human Intelligence Sources (CHIS) – in the past three financial years?

2020/21	£37,720
2021/22	£19,629

2022/23

£18,035

Section 17 of the Freedom of Information Act 2000 requires the Constabulary, when refusing to provide information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies. In accordance with the Freedom of Information Act 2000 this letter acts as a Refusal Notice for those aspects of your request.

Exemptions applied:

- Section 23(3) Information Supplied by, or concerning certain Security Bodies
- Section 24(2) National Security
- Section 30(1) Investigations

I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Nick Penny
Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101 ext 62005

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.pnn.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original Fol request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk