



Report of the Intelligence Services Commissioner for 2014

CONFIDENTIAL ANNEX

The Rt Hon Sir Mark Waller

June 2015

Excluded from publication under section 60(5) of the Regulation of Investigatory Powers Act 2000

Pages 2 to 49 withheld on relevancy grounds

[REDACTED]

11. AGENT PARTICIPIATION IN CRIMINALITY

I have been directed to keep under review:

- the application of the Security Services guidelines on the use of agents who participate in criminality and the authorisations issued under them.

In a letter to me dated 27 November 2014 the Prime Minister stated that this direction would not be avowed given the potential damage to national security were its existence to be made public.

In summary:

- In 2014 the Security Service had [REDACTED] CHIS authorised to participate in criminality.
- On 31/12/14 the [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- The total number of authorisations in 2014 was [REDACTED]
- The number of authorisations extant on 31/12/14 was [REDACTED].

The following are examples of the types of criminality in which Security Service CHIS have been authorised to participate during 2014:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The Security Service has an internal process for the authorisation of agent participation in criminality. These guidelines have been in place since the early 1990s and arose out of the need for agents recruited and run by MI5 to

[REDACTED]

[REDACTED]

sometimes engage in criminality, [REDACTED]

[REDACTED]

[REDACTED] It is sometimes necessary for example to allow participation in criminality [REDACTED]

[REDACTED]

[in order to achieve some of the objectives set out in paragraph 5 of the Guidelines]

The Guidelines set out the circumstances in which internal authorisation may be given [REDACTED]

[for the use of agents who participate in criminality]

[REDACTED]

[REDACTED]

[Regard must be had to the factors set out in paragraphs 7 and 8 of the Guidelines]

So far as my review is concerned I am concerned to assess whether in my opinion what can be called "the public interest test" is being properly applied.

No authority or anything I can say can make conduct non-criminal. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] In my oversight I am prepared to make

an assessment of whether participation would be likely to satisfy a public interest test. If the guidelines were adhered to, this would in my view be satisfied.

[The redacted text refers to the issues set out in paragraph 9 of the Guidelines]

In each of the cases I have reviewed the guidelines have been adhered to and the public interest test would have been satisfied.

The Security Service cannot currently identify precisely how many CHIS authorisations involve participation in criminality. In future they will keep a record of this.

Among the CHIS selected for inspection there were some cases which need special mention. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

• RIPA Forms
I recommended that authority to participate in criminality should run parallel to the CHIS authority [REDACTED]

[REDACTED]

Pages 53 to 64 withheld on relevancy grounds