



10 DOWNING STREET
LONDON SW1A 2AA

THE PRIME MINISTER

27 November 2012

Dear Sir: Acad.

12/265

In the discharge of their function to protect national security, the Security Service has a long-standing policy for their agent handlers to agree to agents participating in crime, in circumstances where it is considered such involvement is necessary and proportionate in providing or maintaining access to intelligence that would allow the disruption of more serious crimes or threats to national security.

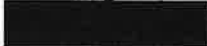
In addition to your statutory functions under section 59 of the Regulation of Investigatory Powers Act 2000, and your current non-statutory functions, I would like you to keep the application of this policy under review with respect to the necessity and proportionality of authorisations and to consider such related issues as you find appropriate. I envisage that you would retrospectively review a sample of these authorisations in the same way that you currently consider, for example, authorisations under Section 7 of the Intelligence Services Act. I would be grateful if you could include these matters in your Annual Report or otherwise bring issues to my attention.

For the avoidance of doubt I should be clear that such oversight would not provide endorsement of the legality of the policy; you would not be asked to provide a view on whether any particular case should be referred to the prosecuting authorities; and your oversight would not relate to any future consideration given by prosecuting authorities to authorisations, should that happen.

As you will be aware, it is the Government's intention that the Justice and Security Bill would provide a statutory basis for the non-statutory responsibilities you currently undertake. Were you to accept this new task and if the Bill becomes enacted, I would issue a direction for this responsibility as allowed by the amended Act.

I have considered carefully whether this invitation to you should be published, having regard to the need for transparency and have concluded that it should not, on the basis that doing so would be detrimental to national security and contrary to the public interest.


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A copy of this letter is being sent to the Home Secretary, Jonathan Evans
(Security Service), and  (Cabinet Office).

NR

For info.
Dir. Gen.

The Right Honourable Sir Mark Waller

