APPENDIX 4

COVERT HUMAN INTELLIGENCE SOURCE (CHIS) : Additional Notes on CHIS: (An extract from Home Office Code of Practice on CHIS) and RIPA B FORMS

MANAGEMENT OF SOURCES

1. Tasking

(a) Tasking is the assignment given to the source by the persons defined at sections 29(5)(a) and (b) of the RIPA 2000 Act, asking them to obtain information, to provide access to information or to otherwise act, incidentally, for the benefit of the relevant public authority.

(b) Authorisation for the use or conduct of a source is required prior to any tasking where such tasking requires the source to establish or maintain a personal or other relationship for a covert purpose.

(c) The person referred to in section 29(5)(a) of the RIPA 2000 Act will have day to day responsibility for:

- dealing with the source on behalf of the authority concerned;
- directing the day to day activities of the source;
- recording the information supplied by the source; and
- monitoring the source's security and welfare.

(d) The person referred to in section 29(5)(b) of the RIPA 2000 Act will be responsible for the general oversight of the use of the source. Statutory Instrument 2000/2725 prescribes the particulars required to be contained when recording the use of a CHIS. These requirements are detailed in Section 3.

(e) In some instances, the tasking given to a person will not require the source to establish a personal or other relationship for a covert purpose. For example a source may be tasked with finding out purely factual information about the layout of commercial premises.

Alternatively, a Trading Standards Officer may be involved in the test purchase of items which have been labelled misleadingly or are unfit for consumption. In such cases, it is for the relevant public authority to determine where, and in what circumstances, such activity may require authorisation.

(f) It is not the intention that authorisations be drawn so narrowly that a separate authorisation is required each time the source is tasked. Rather, an authorisation might cover, in broad terms, the nature of the source's task. If this changes, then a new authorisation may need to be sought.

(g) It is difficult to predict exactly what might occur each time a meeting with a source takes place, or the source meets the subject of an investigation. There may be occasions when unforeseen action or undertakings occur.

When this happens, the occurrence must be recorded as soon as practicable after the event and, if the existing authorisation is insufficient it should either be updated and re-authorised (for minor amendments only) or it should be cancelled and a new authorisation should be obtained before any further such action is carried out.

(h) Similarly where it is intended to task a source in a new way or significantly greater way than previously identified, the persons defined at section 29(5)(a) or (b) of the RIPA 2000 Act must refer the proposed tasking to the authorising officer, who should consider whether a separate authorisation is required. This should be done in advance of any tasking and the details of such referrals must be recorded.

2. *Management responsibility*

(a) Public authorities should ensure that arrangements are in place for the proper oversight and management of sources, including appointing individual officers as defined in section 29(5)(a) and (b) of the RIPA 2000 Act for each source.

(b) The person responsible for the day-to-day contact between the public authority and the source will usually be of a rank or position below that of the authorising officer.

(c) In cases where the authorisation is for the use or conduct of a source whose activities benefit more than a single public authority, responsibilities for the management and oversight of that source may be taken up by one authority or can be split between the authorities.

3. *Security and welfare*

(a) Any public authority deploying a source should take into account the safety and welfare of that source, when carrying out actions in relation to an authorisation or tasking, and to foreseeable consequences to others of that tasking.

Before authorising the use or conduct of a source, the authorising officer should ensure that a risk assessment is carried out to determine the risk to the source of any tasking and the likely consequences should the role of the source become known.

The ongoing security and welfare of the source, after the cancellation of the authorisation, should also be considered at the outset.

(b) The person defined at section 29(5)(a) of the RIPA 2000 Act is responsible for bringing to the attention of the person defined at section 29(5)(b) of the 2000 Act any concerns about the personal circumstances of the source, insofar as they might affect:

- the validity of the risk assessment
- the conduct of the source, and
- the safety and welfare of the source.

(c) Where deemed appropriate, the concerns about such matters must be considered by the authorising officer, and a decision taken on whether or not to allow the authorisation to continue.

Form B1 (White)	**Application** for authorisation of the **Use** or **Conduct** of a Covert Human Intelligence Source (CHIS).
Form B2 (Yellow)	**Review** of Form B1
Form B3 (Green)	Application for **Renewal** of Form B1
Form B4 (Pink/Red)	**Cancellation** of Form B1

NB: If in doubt, ask the Deputy s151 Officer BEFORE any directed surveillance and/or CHIS is authorised, renewed, rejected or cancelled.

APPENDIX 4

STATUTORY INSTRUMENT 2000/2725

COVERT HUMAN INTELLIGENCE SOURCE (CHIS)

Particulars to be contained in records:

The following matters are specified for the purposes of paragraph (d) of Section 29(5) of the 2000 Act (as being matters particulars of which must be included in the records relating to each source).

(a) the identity of the source;

(b) the identity, used by the source (where known)

(c) any relevant investigating authority other than the authority maintaining the records;

(d) the means by which the source is referred to within each relevant investigating authority;

(e) any other significant information connected with the security and welfare of the source;

(f) any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have, where appropriate, been properly explained to, and understood by, the source;

(g) the date when, and the circumstances in which, the source was recruited;

(h) the identities of the persons who, in relation to the source, are discharging or have discharged the functions mentioned in Section 29(5)(a) to (c) of the 2000 Act or in any order made by the Secretary of State under section 29(2)(c);

(i) the periods during which those persons have discharged those responsibilities;

(j) the tasks given to the source and the demands made of him/her in relation to their activities as a source;

(k) all contacts or communications between the source and a person acting on behalf of any relevant investigating authority;

(l) the information obtained by each relevant investigating authority by the conduct or use of the source;

(m) any dissemination by that authority of information obtained in that way; and;

(n) in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.