



STAFFORDSHIRE
POLICE

FOI ref no: 15752

24 July 2023

Freedom of Information request first notified to us by email on 22nd June 2023.

Thank you for your recent request under the Freedom of Information Act 2000, as detailed below:

Staffordshire Police's response to your enquiry is as follows:

I am writing to request information under the Freedom of Information Act. I am looking for information about money paid to police informants. 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).*
- 2. 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.*
- 3. 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.

Staffordshire Police does hold some the requested information.

I am writing to request information under the Freedom of Information Act. I am looking for information about money paid to police informants. 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).*

Please see the excel spreadsheet 'FOI 15752 Money Paid to Informants Data' for a breakdown of payments made in the financial years requested to police informants.

- 2. 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.*
- 3. 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

With regards to question 2 and 3, I am citing the following exemptions:

Section 30(2) – Investigations conducted by public authorities

Section 38 (1) – Health & Safety

Section 40(2) – Personal Information

Section 30(2) ad Section 38(1) are class-based qualified exemptions and, as such, there is a need to conduct a harm or public interest test:

Section 30(2)

Harm

Any release under FOIA is a disclosure to the world, not just to the individual making the request. Police forces work in conjunction with other agencies and information is freely shared in line with information sharing protocols. Modern-day policing is intelligence led and this is particularly pertinent with regard to both law enforcement and national security. The public expect police forces to use all powers and tactics available to them to prevent and detect crime or disorder and maintain public safety. The prevention and detection of crime is the foundation upon which policing is built. In order to counter criminal behavior, it is vital that the police have the ability to work together, where necessary covertly, to obtain intelligence within current legislative frameworks to assist in the investigative process to ensure the successful arrest and prosecution of offenders. To achieve this goal, it is vitally important that information sharing takes place between police officers, members of the public, police forces as well as other law enforcement bodies within the United Kingdom. The impact of providing information under FOI which aids in identifying whether or not Staffordshire Police has received intelligence from CHIS as well as confirming whether payment was received for the intelligence, would provide those intent on committing criminal acts with valuable information as to where the police are targeting their investigations. In addition, releasing this information has the potential to undermine the flow of information (intelligence) received from CHIS as well as members of the public into the Police Service.

S30 - Factors favouring disclosure:

There is information within the public domain confirming that police use covert human intelligence sources to assist them with investigations and the effective delivery of law enforcement. Disclosure would enhance the public's knowledge about how information relating to informants is used by Staffordshire police and how the intelligence received assists in day to day investigations and operations to assist the prevention and detection of crime and the apprehension and prosecution of offenders. Disclosure would also assist in stopping any incorrect rumors or falsehoods relating to how the police store and manage how informants assist the police. It would also allow the public to determine whether the financial outlay by the force to informants is appropriate in comparison to the level of successful prosecutions.

S30 -Factors favouring non-disclosure:

Disclosure of the information requested could identify informant activity within Staffordshire area. Over a period of time if several disclosures were made, individuals could analyse the information and identify any sudden peaks or troughs in informant activity. This would hinder the prevention and detection of crime and also prejudice our ability to maintain confidential sources. Consequently, the force's future law enforcement capabilities would be affected. Similarly, the disclosure of the information would highlight when informants have been used which could place those persons, or those suspected of being an informant, in danger. The disclosure of this information would lead to informants losing confidence in Staffordshire Police and would impede the recruitment of informants in the future.

Section 38 (1)

Harm

CHIS (regardless of their motivation) provide information at particular personal risk to themselves and their families. As previous cases have shown, where a CHIS is identified it can result in substantial physical harm, or mental trauma resulting from the threat of physical harm. This problem is particularly acute in cases relating to serious crime and terrorism where the threat against individuals is substantial. The health and safety of any individual is a matter of significant concern and importance to Staffordshire Police. Release of any information that could place an informant at risk of identification and thus risk of physical or mental harm is not suitable for disclosure.

S38 (1) Factors favoring disclosure:

Release of the information would promote openness and transparency of records held by Staffordshire Police.

S38 (1) Factors favoring non-disclosure:

The release of any information could lead to identification of any individual and consequently endanger the safety, potentially the life, of an individual.

Section 40 (5) – Personal Information

Section 40(5) is an absolute exemption which means that there is no need to quantify the harm that may arise from the disclosure; neither is it subject to a public interest test.

To release personal or third party information which may or may not be held by Staffordshire Police would breach the data protection principles, namely –

- Data is lawfully and fairly processed.
- Processed in line with an individual's rights.
- Data is secure.

Balancing Test

There is information within the public domain confirming that police use covert human intelligence sources to assist them with investigations and the effective delivery of law enforcement. The Police Service is tasked with protecting the community we serve and solving crime and there is a public interest argument in ensuring we are open and transparent with regard to policing investigations and operations.

As part of that policing purpose, various operations with other law enforcement bodies may or may not be ongoing. The Police Service will never divulge whether or not information is held if to do so would place the safety of individual(s) at risk. Whilst there is a public interest in appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in protecting informants. The public entrust the Police Service to make appropriate decisions with regard to their safety and protection and the only way of reducing risk is to be cautious with any information that is released.

There is no doubt that for the issues outlined above any disclosure relating to sensitive informant information would jeopardise those important roles. Informants play a vital role in assisting the police, and is based very much on relationships built on trust and the expectation of complete confidentiality. Staffordshire Police would never disclose information which would compromise our tactics or compromise the safety of an individual. It is therefore our opinion that the balance lies in favour of non-disclosure of the information.

With regard to any further information relating to Covert Human Intelligence Sources, in accordance with Section 17(1) of the Freedom of Information Act, this letter represents a refusal notice as Staffordshire Police can neither confirm nor deny that any it holds the information requested as it believes the duty in s1(1)(a) of the Freedom of Information Act 2000 (the duty to confirm whether the public authority holds information of the specified description), does not apply, by virtue of the following exemptions:

Section 23(5) – Information supplied by or concerning certain Security Bodies.

Section 24(2) – National Security.

Section 30(3) – Criminal Investigations.

Section 23 is a class based absolute exemption and there is no requirement to consider the public interest in this case.

Section 24 is a qualified exemption and as such there is a requirement to articulate the harm and conduct a test of the public interest in confirmation or denial.

Section 30 is a class based exemption and consideration must be given as to whether there is a public interest in neither confirming nor denying the information exists is the appropriate response.

Harm

Harm for neither confirming nor denying that any other information is held for Section 24

Disclosure of informants' data could impact on the recruitment and retention of CHIS in general, due to the perception of (rather than the actual) risk of identification. The disclosure of the requested information would damage national security through discouraging current national security CHIS from cooperating with the police service in other geographical areas, or preventing the recruitment of national security CHIS in the future – regardless of whether the area in question actually currently runs CHIS reporting on serious crime, terrorist or other threats.

Public Interest Test

Factors favouring confirming or denying that any other information is held for Section 24

Confirmation or denial that any other information exists relevant to the request would lead to a better informed public and the public are entitled to know how public funds are spent. The information simply relates to national security and disclosure would not actually harm it.

Factors against confirming or denying that any other information is held for Section 24

Other organisations outside the police service are also widely engaged in rewarding informants in a number of ways, and therefore by confirming or denying that any other information exists relevant to the request would harm the close relationship that exists with such organisations, where trust and confidence in this specific area has been built up in the exchange of information and financial assistance during the Criminal Justice process.

To confirm or deny whether Staffordshire Police hold any additional information would allow inferences to be made about the nature and extent of national security related activities which may or may not take place in a given area. This could enable terrorist groups to take steps to avoid detection, and as such, confirmation or denial would be damaging to national security.

By confirming or denying any policing arrangements of this nature would render national security measures less effective. This would lead to the compromise of ongoing or future operations to protect the security or infra-structure of the UK and increase the risk of harm to the public.

Factors favouring confirming or denying that any other information is held for Section 30

The confirmation or denial that information is held would provide a greater insight into policing and how resources are allocated to investigate crimes. The confirmation or denial that the information is or is not held would identify how often Staffordshire Police relies on CHIS within this type of investigation.

Factors against confirming or denying that any other information is held for Section 30

To confirm or deny that information relevant to this request is held would provide details of any previous or on-going investigations. Informant's information assists police investigations and provides vital intelligence. To confirm that Staffordshire Police have used informants with previous investigations and criminal convictions in specific investigations would provide sensitive information that would undermine policing and investigations. Investigations, although complete, may have included information from an informant of the type described and serve to undermine any investigations that have taken place based on the original investigation.

Balance Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The security and maintenance of investigations are of paramount importance and the Police service will not divulge whether information is or is not held if to do so would place the safety of an individual at risk or undermine National Security and investigations. Whilst there is a public interest in the transparency of policing operations and providing assurance that the police service is appropriately and effectively engaging with the threat from criminals, there is a very strong public interest in safeguarding both national security and the integrity of police investigations and operations in this highly sensitive area. As much as there is public interest in knowing that policing activity is appropriate and balanced in matters of national security, this will only be overridden in exceptional circumstances.

It is therefore our opinion that for these issues the balancing test for confirming or not that information is held, is not made out.



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If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of this email and should be addressed to:

foi@staffordshire.police.uk

Or by Post to:

Central Disclosure Unit
Staffordshire Police HQ
PO Box 3167
Stafford
ST16 9JZ

Please remember to quote the reference number in any future communications.

Freedom of Information
Central Disclosure Unit

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