Report of the Intelligence Services Commissioner for 2015

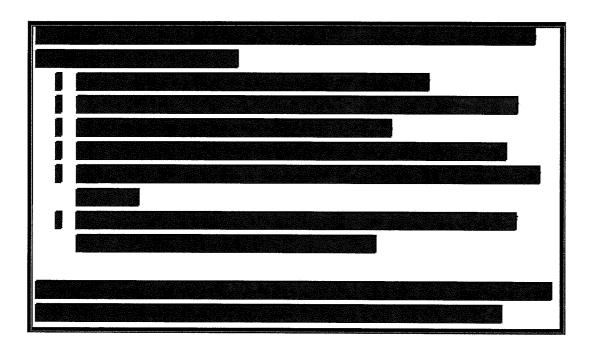
CONFIDENTIAL ANNEX

The Rt Hon Sir Mark Waller

July 2016

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

Pages 2 to 11 withheld on relevancy grounds



CHIS Participation in Criminality

MI5

In his letter of 27 November 2014, the Prime Minister directed me 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 the letter the Prime Minister said this direction would not be avowed given the potential damage to national security were its existence to be made public.

As I set out in my report for 2014, MI5 has an internal process and guidelines for authorising 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 sometimes to engage in criminality,

MI5 CHIS have been authorised to participate in:

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

No authority can make criminal conduct non-criminal.	[The redacted text refers to the issues
	set out in paragraph 9 of the
	Guidelines]
In my oversight I am prepared to make	an
assessment of whether participation would be likely to satisfy the public inte	erest
test. In my view, this test would be satisfied if the guidelines were adhered	l to.
They h	iave
a memorandum of understanding with CPS which outlines when consultation	n on
CHIS matters is desirable,	
Police Practice	

The Office of Surveillance Commissioners spoke to me about police forms		
authorising participation in criminality which appears to	participation in	
t <mark>he offences</mark>		
It seemed that MI5 had given ap	proval for this	
operation confirming that it was necessary and proportionate in the interest of		
national security. I was concerned that MI5 should not have approved		
MI5 wrote to me	explaining that	
	I accepted that	
the public interest test would be satisfied.		
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Pages 15 to 96 withheld on relevancy grounds