| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-2503Responded to: xx October 2024 |
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Your recent request for information is replicated below, together with our response.

## I would like information regarding Covert Human Intelligence Source [CHIS]

## In 2003 how much did Lothian Borders Police, now Police Scotland spend on covert human intelligence sources?

## How many of these people existed?

I have considered your request for information, in terms of the Freedom of Information (Scotland) Act 2002 regarding the legacy Lothian and Borders policing area. In terms of section 18 of the Freedom of Information (Scotland) Act 2002, I am refusing to confirm or deny whether any such information is held. Section 18 provides that an authority does not have to confirm whether or not information is held where:

* If the information were held, it would be considered exempt from disclosure in terms of any of sections 28 to 35, 38, 39(1) or 41 of the Act; and disclosing whether or not information is held would be contrary to the public interest
* If held, I consider that information held would be exempt from disclosure as described in the exemptions laid out above:

Section 2(1)&(2) of the Act provide that information can only be considered exempt in terms of the exemptions set out above to the extent that the public interest in disclosing the information is not outweighed by that in maintaining the exemption.

In this instance the following exemptions apply;

Section 31(1) - National Security and Defence

Section 34(1)(b) – Investigations

Section 35(1)(a)&(b) - Law enforcement

I would first of all advise you that the use of Covert Human Intelligence Sources (CHIS) by the Police is a long-established technique and regarded as a very effective investigatory tool. CHIS can provide unrivalled access to crime groups and play an integral role in the gathering of intelligence used to combat and reduce crime. The results achieved from intelligence greatly outweigh the cost of rewards paid to CHIS.

Disclosure of any data relating to the use of CHIS would reveal the extent to which the use of covert information is used in a particular area, which if replicated across the country would potentially alert criminals who would be able to make decisions based on those assumptions.

Where significant arrests and recoveries have been made from a CHIS-lead operation it is conceivable that Organised Crime Groups could rightly or wrongly assume that it was CHIS information that lead to the police action, due to any significant spike in CHIS payments. From there they might rightly or wrongly assume that a particular individual was providing information to the police, putting this person at risk of harm.

CHIS (regardless of motivation) provide information at 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 public entrust the Police Service to make appropriate decisions regarding their safety and protection and the only way of reducing risk is to be cautious with what is placed into the public domain.

It is acknowledged that Police Scotland’s covert activities have fuelled the public interest in how often certain tactics are deployed. Disclosing whether information is held would potentially serve to better inform the public of policing activities.

Nevertheless, the Investigative Powers Communications Office (IPCO) has a statutory responsibility for overseeing the use of CHIS and other covert policing techniques, by way of a regular inspection programme. The use of informants by the police service is well known and is governed by the Regulation of Investigatory Powers Act, 2000 (RIPA) and the Regulation of Investigatory Powers (Scotland) Act, 2000 (RIPSA). In these ways it can be said that the public interest regarding scrutiny of CHIS is already being met.

On balance, disclosing whether information is held would compromise the future law enforcement role of the force, the safety of individuals and put the public at risk. It is therefore considered that it would be contrary to the public interest to disclose whether information is held.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.