



Freedom of Information Request Reference N°: FOI 000674-20

I write in connection with your request for information received by Suffolk and Norfolk Constabularies on 14th January, 2020 which you sought access to the following information:

- 1 *“The amount paid each year by your force to informers or covert human intelligence sources (CHIS) for each year from 2015 to the present. (To be clear, by CHIS I exclude paid law enforcement officers who are working undercover and refer only to private individuals who have received sums of money in return for information). I am happy to receive this information either by calendar year or financial year - whichever is simplest.*

I would like to establish if possible the scale of these payments in terms of the sums received by individuals. On this basis, I would also like to request:

2. *The average sum paid per informant/CHIS for each year from 2015 - ie the annual total paid divided by the number of informants.*
3. *The highest sum paid each year to a single informant/CHIS - ie the largest sum of money received by an individual in return for information.*

Response to your Request

The response provided below is correct as of 14th January, 2020

1. Suffolk and Norfolk Constabularies have considered your request for information and the response is below.

Financial Year	Amount Paid
NORFOLK	
2014/15	£32,365.94
2015/16	£28,445.07
2016/17	£30,746.19
2017/18	£33,301
2018/19	£36,797.12
SUFFOLK	
2014/15	£43,358.98
2015/16	£48,894.32
2016/17	£45,666.78

2017/18	£43,963
2018/19	£46,756.25

The information provided relates to complete financial year only. Constabularies will not release this information in any other format (i.e. calendar year) due to exemptions within the Act.

2. Suffolk and Norfolk Constabularies do not hold information regarding average payments.
3. Additionally, information concerning the highest paid informant has not been provided.

Section 17 of the Freedom of Information Act 2000 requires the Constabularies, when refusing to provide such information (because the information is exempt) is to provide you, the applicant, with a notice which:-

- a. States that fact
- b. Specifies the exemption in question and
- c. States (if that would not otherwise be apparent) why the exemption applies.

The information is exempt from disclosure by virtue of the following exemption:-

- **Section 30(2)(b) – Investigations – by virtue of section 30(2)(a)(i)**

Section 30 is a qualified and class based exemption and I am therefore obliged to consider the harm and conduct a public interest test.

Factors favouring disclosure

There is information within the public domain confirming that the Police use Covert Human Intelligence Sources to assist them with investigations and the effective delivery of law enforcement. Disclosure would enhance the public understanding of how Constabularies use information relating to informants and how the intelligence received assists in day to day investigations, such as operations to support the prevention and detection of crime.

Accurate and reliable data disclosed to the public, via official channels, will enable informed and precise public debate around the subject of informants, allowing for greater transparency and accountability. This in turn will enable a more thorough local assessment of the use of informants, including their effectiveness.

Disclosure of information, relating to the way in which public funds are being spent, will enable individuals to understand what the police budget allocation is for informants.

Disclosure would also assist in stopping any incorrect rumours or falsehoods relating to how the police store and manage how informants assist the police.

Factors favouring non-disclosure

Disclosure of the information requested could identify informant activity within a force 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 the forces ability to maintain confidential sources. Consequently, the forces' future law enforcement capabilities would be affected.

Provision of information regarding CHIS, other than that already published on a financial year basis, would deter informants from approaching the Police in the future and damage relations. Additionally, it would deter future informants from coming forward with invaluable information.

Disclosure of this information would not materially advance the public interest as the information already in the public domain satisfies the public interest with regards to police funds and accountability.

Informants are an extremely versatile and invaluable resource, one that cannot be mirrored by existing policing tactics. Any disclosure that would undermine this law enforcement tactic would not be made out.

There are significant regulations concerning the police use of informants and police expenditure, ensuring the police are accountable to various regulatory bodies, including the Audit Commission (under the Audit Commission Act 1998) and the Surveillance Commissioner (under the Regulation of Investigatory Powers Act 2000). The public interest will therefore be served by the provision of information on a financial yearly basis, and the knowledge that this process is meticulously regulated.

It may be viewed by those not involved in the management of informants that a statistical number in itself is unlikely to cause any such adverse effects. However, the subject has to be viewed more as a whole. Those determined to identify informants will use small pieces of information to build a more complete picture and it is the cumulative effect of information disclosures that the Police Service feel could lead to this.

Balance 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 communities we serve, and solving crime, and there is a public interest argument for ensuring we are open and transparent, with regard to policing investigations and operations. There is no doubt that for the issues outlined above, any disclosure relating to sensitive informant information would jeopardise those important roles.

As has been mentioned, informants play a vital role in assisting the police and are based very much on relationships built on trust and the expectation of complete confidentiality.

Disclosure of payments, at force level, on a financial year basis, satisfies the public interest in disclosure, and further breakdown of these figures by whatever means, would have a significant impact on retention, recruitment, operational vulnerability and identification.

It is therefore our opinion that the balance lies in favour of non-disclosure of the information.

In addition to the above, Suffolk and Norfolk Constabularies can neither confirm nor deny that any other information is held, relevant to your request, by virtue of the following exemptions:

Section 23(5) – Information relating to security bodies listed at Section 23 (3)

Section 24(2) – National Security

Section 30(3)(by virtue of section 30(2) – Investigations

Section 23(5) is an absolute and class based exemption and I am therefore not obliged to consider the harm or public interest factors in non-disclosure.

Section 24(2) is a qualified and prejudice based exemptions and I am therefore obliged to articulate my decision by way of a public interest test.

Section 30(3) is a class based qualified exemption and there is a requirement to consider the public interest to ensure neither confirming nor denying whether any other information is held, is appropriate.

The above quoted total payments to informants does not include any payments made to informants where funding may have been supplied by exempt bodies.

Harm in confirmation or denial of whether any other information is held

Disclosure of informant's data could impact on the recruitment and retention of CHIS in general, due to the perception of (rather than the actual) risk of identification. In a recent Information Tribunal case relating to the payments made to CHIS in Croydon (EA/2010/0006), it was accepted that this argument applied as much to CHIS providing intelligence in relation to national security concerns as to CHIS engaged in countering more traditional criminal threats. In this way, the disclosure of payment 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.

Section 24 - Factors favouring confirming or denying whether any other information is held

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.

Section 24 - Factors against confirming or denying whether any other information is held

Other organisations outside of 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 the Constabulary holds 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 infrastructure of the UK and increase the risk of harm to the public.

Section 30 - Factors favouring confirming or denying whether any other information is held

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. Confirming whether information exists could promote public trust in providing transparency and demonstrating openness and accountability into how investigations took place. It could also provide reassurance to the public that the Police Service takes all reports of crime seriously and conducts investigations appropriately. To confirm could allow the public to have a better understanding of the effectiveness of the Police Service.

Section 30 - Factors against confirming or denying whether any other information is held

By its very nature, information held relating to informants is sensitive in nature. Under the FOIA there is a requirement to comply with section 1(1)(a) and confirm what information is held. In some cases it is that confirmation, or not, which could disclose facts harmful to informants. In some cases the mere existence can place individuals in danger. The only methodology which will provide the required degree of protection to those individuals, is if the force takes advantage of its ability under the FOI legislation to, when appropriate, neither confirm nor deny whether the requested information, is or is not held. The Police Service will never disclose information which could identify investigative activity and therefore undermine investigations. To do so would hinder the prevention and detection of crime.

Balance Test

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. The security of the country is of paramount importance and the Police Service will not divulge whether any other information is or is not held if to do so would place the safety of an individual at risk or undermine National Security. Whilst there is a public interest in the transparency of policing operations and investigations, 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 in knowing that policing activity is appropriate and balanced in matters of National Security; this will only be overridden in exceptional circumstances.

These points were agreed by the Information Tribunal in the case of ICON v Metropolitan Police, EA/2010/2006, where the request was for informant spend at borough level. Although the information in this case was subject to substantive exemptions, the key public interest balancing point, was highly persuasive.

'CHIS are given strong guarantees that their identities will be protected. In some instances, a prosecution may be stopped rather than risk the identity, or in some cases even the existence, of a CHIS being revealed. We accept the evidence of DI D as to the "paranoia" of those acting, or contemplating acting, as a CHIS and accept that they would view the disclosure of the disputed information as a breach of confidence that would significantly undermine their confidence in having their identities protected'.

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

This should not be taken as an inference that there is or is not any further information held.

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;
<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 40 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700