



INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT



Statement on the Covert Human Intelligence Sources (Criminal Conduct Act) 2021

The Covert Human Intelligence Sources (Criminal Conduct) Act 2021 has now received Royal Assent.

This is a vitally important piece of legislation, and the Intelligence and Security Committee of Parliament (ISC) fully supports the principle behind it. The Act places on an explicit statutory basis the powers that certain government bodies, such as the police and MI5, already had to authorise criminal activity in carefully controlled circumstances.

Covert Human Intelligence Sources (CHIS) - or agents - provide invaluable information to assist the security and intelligence Agencies in their investigations. They put their lives at risk every day to help keep the country safe. Without them, many of the attacks foiled in recent years would have succeeded in their horrific aims.

While working undercover, CHIS may sometimes need to carry out criminal activity to maintain their cover: they need to be trusted by those they are reporting on so that they can gain the information the authorities need. Their handlers must therefore be able to authorise them to carry out criminal activity, in certain circumstances and subject to specific safeguards. The ISC highlighted the importance of these powers in its report on Northern Ireland-related Terrorism, published in October 2020, saying: *"the need for such authorisations is clear. What is key is that authorisations are properly circumscribed, used only when necessary and proportionate, and subject to proper scrutiny"*.

We are satisfied that this Act strengthens the oversight and governance regime for these powers. The Committee scrutinised the legislation, engaging in the parliamentary debates at every stage during its passage, and working with the Government to improve the oversight arrangements.

The Government has given a written commitment that the ISC will be able to request regular updates on the use of these powers by the organisations it oversees. The CHIS Code of Practice has also been strengthened in response to concerns raised by the Committee and by Parliamentarians in both Houses, and an enhanced oversight role has been provided to the independent Investigatory Powers Commissioner. These are very serious powers for the State to exercise, and it is right that they will be properly scrutinised.