



# An Garda Síochána

## Policy Document

### Management and Use of CHIS in An Garda Síochána

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<b>Version No.</b>	<i>1.0</i>
<b>Approved by</b>	<i>Garda Executive</i>
<b>Introduced by</b>	<i><a href="#">HQ Directive 034 / 2022</a></i>
<b>Policy Owner</b>	<i>Assistant Commissioner, Garda National Crime and Security Intelligence Service</i>

## Purpose

The purpose of the 'Management and Use of CHIS in An Garda Síochána' Policy and associated documents is to provide direction on the management of individuals who have or appear to have information of intelligence value to An Garda Síochána. It sets out the processes for the management of those individuals by An Garda Síochána in a manner that safeguards the community and ensures operations of this nature are conducted in accordance with relevant legislation and associated documents.

Operations which involve the use and conduct of a Covert Human Intelligence Source (CHIS) must be conducted in accordance with Law and must be carried out in compliance with Human Rights obligations under the Irish Constitution and the principles of the European Convention on Human Rights (ECHR). This legislation provides a basis for conducting enquiries, covert or otherwise, in relation to a wide variety of crimes and offences and work within the confines of proportionality, legality, accountability and necessity.

## Scope

This Policy and all associated documentation apply to members of An Garda Síochána and Garda staff. It also applies to Police Officers from the Police Service of Northern Ireland (PSNI) seconded to An Garda Síochána in accordance with Section 53, Garda Síochána Act 2005.

## Policy Statement

The prevention and detection of crime, conduct of investigations into criminality and the institution of criminal proceedings encompass some of the statutory functions of An Garda Síochána. An efficient intelligence gathering system is essential in this regard and information lawfully gathered, analysed and disseminated to the relevant personnel provides invaluable assistance in the investigation of crime and, in many cases, will enable action to be taken to prevent crimes occurring. An Garda Síochána has a duty to gather information and generate intelligence about crime and criminals. The ability to infiltrate criminal and terrorist organisations is key to understanding the way in which individual and organised criminal enterprises work and will assist in formulating strategies to thwart and frustrate criminal and terrorist activity and bring those responsible to justice. A well tried and tested method of gathering intelligence is through the use of CHIS, who can provide specific information about individuals or groups involved in crime.

In the face of criminals' determination to protect their criminal activity from exposure, the collection of intelligence demands the application of both overt and covert investigative techniques. A well placed CHIS is a covert resource which can identify key members of a criminal gang, modus operandi and identify threats or potential targets of criminal action. The intelligence developed through CHIS assists An Garda Síochána in the strategic targeting of criminals at all levels and an effective capability in this area bolsters the national and international law enforcement effort.

The identification of individuals with access to information of intelligence value i.e. potential CHIS, is a function of members of An Garda Síochána to be conducted in accordance with this Policy. The assessment, recruitment, management and use of CHIS and the related assessment and recruitment is a skilled Police function, demanding the highest standards of integrity guided by the Code of Ethics. This latter function and the function of identifying CHIS, shall be conducted in a safe and professional manner by relevant personnel working in a secure environment to the clear requirements of an informed and supportive management.

The operation of the CHIS system shall be subject to internal oversight by senior Garda management and external oversight by an Independent Oversight Authority appointed by and reporting to the Minister for Justice.

## Compliance

Compliance with this Policy and accompanying associated document(s) is mandatory for all members of An Garda Síochána and Garda staff.



## Related Document

### [Code of Ethics](#)

#### Legal & Human Rights Screening

This Policy has been legal and Human Rights screened in terms of the respective obligations placed on An Garda Síochána for the subject area concerned.

#### Ethical Standards & Commitments

Every person working in An Garda Síochána must observe and adhere to the standards and commitments set out in the [Code of Ethics](#) for An Garda Síochána and uphold and promote this Code throughout the organisation.

#### Policy Review

This Policy will be reviewed 12 months from its date of effect and every three years thereafter.

#### Disclaimer

This document is not intended to, nor does it represent legal advice to be relied upon in respect of the subject matter contained herein. This document should not be used as a substitute for professional legal advice.

#### Data Protection

Under the CHIS system, members of An Garda Síochána and Garda Staff will process personal data only for the purposes specified in this policy, and within a clearly defined lawful basis under the Data Protection Acts 1988/2018. All information, including the personal data of individuals providing such information, will be processed in the strictest confidence and all necessary measures put in place to ensure the personal data is kept safe and secure. Only authorised personnel shall have access to personal data. Only relevant personal data will be processed, and will not be retained for longer than is necessary. Clear guidelines are in place for CHIS members to ensure that individual's data protection rights are adhered to and to identify and mitigate against any suspected data breaches. Policies and procedures are in place in order that CHIS can demonstrate compliance with data protection legislation and obligations.

