

**The Regulation of Investigatory Powers (Source Records)
Regulations, 2004**

Made

Coming into force

14th June 2004

Laid before the States

THE STATES HOME DEPARTMENT, in exercise of the powers conferred on it by section 24(5)(d) of the Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003¹ hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Regulation of Investigatory Powers (Source Records) Regulations, 2004 and shall come into force on 14th June, 2004.

Interpretation

2. In these Regulations -

"**the Law**" means the Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003;

"**the Department**" means the States Home Department;

¹ Order in Council No. XXX of 2003.

"**relevant investigating authority**" has the meaning given by section 24(7) of the Law, but the qualification in section 24(8) does not apply;

"**source**" means a covert human intelligence source; and

"**undercover operative**" means a source who holds an office, rank or position with a relevant investigating authority.

Particulars to be contained in records

3. The following matters are specified for the purposes of paragraph (d) of section 24(5) of the Law (as being matters particulars of which must be included in the records relating to each source)-

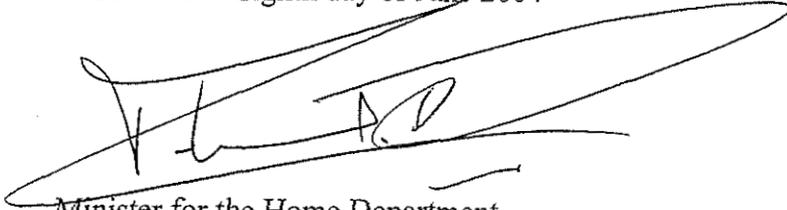
- (a) the identity of the source;
- (b) the identity, where known, used by the source;
- (c) any relevant investigating authority other than the authority maintaining the records;
- (d) the means by which the source is referred to within each relevant investigating authority;
- (e) any other significant information connected with the security and welfare of the source;
- (f) any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have

where appropriate been properly explained to and understood by the source;

- (g) the date when, and the circumstances in which, the source was recruited;
- (h) the identities of the persons who, in relation to the source, are discharging or have discharged the functions mentioned in section 24(5)(a) to (c) of the Law or in any order made by the Home Department under section 24(2)(c);
- (i) the periods during which those persons have discharged those responsibilities;
- (j) the tasks given to the source and the demands made of him in relation to his activities as a source;
- (k) all contacts or communications between the source and a person acting on behalf of any relevant investigating authority;
- (l) the information obtained by each relevant investigating authority by the conduct or use of the source;
- (m) any dissemination by that authority of information obtained in that way; and
- (n) in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's

activities for the benefit of that or any other relevant
investigating authority.

DATED this Eighth day of June 2004

A large, stylized handwritten signature in black ink, consisting of several sweeping lines and loops, positioned above the printed name.

Minister for the Home Department

For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 24(2)(c) of the Regulation of Investigatory Powers (Bailiwick of Guernsey) Law, 2003 a person may not grant an authorisation for the conduct or use of a covert human intelligence source unless he believes that arrangements exist that satisfy the requirements of section 24(5). For example, the arrangements must be adequate to ensure that the records relating to the source contain particulars of certain matters. Those matters are specified in these Regulations.

In some cases, the activities of the source will be for the benefit of more than one public authority. By virtue of section 24(8), the records relating to the source must be kept by one of those authorities. The matters specified in the Regulations, however, relate to the source's contact with each of them.