
STATUTORY INSTRUMENTS

2023 No. 624

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 5

Investigations and Subsequent Proceedings etc.

Restrictions on disclosure of sensitive information

81.—(1) Where the Commissioner receives information within paragraph (3), the Commissioner must not disclose (whether under regulations 7, 77, 78 or otherwise) the information, or the fact that it has been received, unless the relevant authority consents to the disclosure.

(2) Where a person appointed under regulation 34 to investigate a complaint or matter (a “regulation 34 investigator”) receives information within paragraph (3), the regulation 34 investigator must not disclose the information, or the fact that it has been received, to any person other than the Commissioner unless the relevant authority consents to the disclosure.

(3) The information is—

- (a) intelligence service information;
- (b) protected information relating to a relevant warrant;
- (c) information obtained from a government department which, at the time it is provided to the Commissioner or the regulation 34 investigator, is identified by the department as information the disclosure of which may, in the opinion of the relevant authority—
 - (i) cause damage to national security, international relations or the economic interests of the United Kingdom or any part of the United Kingdom; or
 - (ii) jeopardise the safety of any person.

(4) Where the Commissioner or a regulation 34 investigator discloses to another person information within paragraph (3), or the fact that the Commissioner or the regulation 34 investigator has received it, the other person must not disclose that information or that fact unless the relevant authority consents to the disclosure.

(5) In this regulation—

“government department” means a department of His Majesty’s Government but does not include—

- (a) the Security Service;
- (b) the Secret Intelligence Service; or
- (c) the Government Communications Headquarters (“GCHQ”);

“intelligence service information” means information that was obtained (directly or indirectly) from or that relates to—

- (a) the Security Service;
- (b) the Secret Intelligence Service;
- (c) GCHQ; or
- (d) any part of His Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities;

“Minister of the Crown” includes the Treasury;

“regulation 34 investigator” has the meaning given by paragraph (2);

“protected information”, in relation to a relevant warrant, means information relating to any of the matters mentioned in section 57(4) of the Investigatory Powers Act 2016(1) in relation to the warrant;

“relevant authority” means—

- (a) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Security Service, the Director-General of the Security Service;
- (b) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Secret Intelligence Service, the Chief of the Secret Intelligence Service;
- (c) in the case of intelligence service information obtained (directly or indirectly) from or relating to GCHQ, the Director of GCHQ;
- (d) in the case of intelligence service information obtained (directly or indirectly) from or relating to His Majesty’s forces or the Ministry of Defence, the Secretary of State;
- (e) in the case of protected information relating to a relevant warrant, the person to whom the relevant warrant is or was addressed;
- (f) in the case of information within paragraph (3)(c)—
 - (i) the Secretary of State; or
 - (ii) the Minister of the Crown in charge of the government department from which the information was obtained (if that Minister is not a Secretary of State);

“relevant warrant” means—

- (a) a warrant under Chapter 1 of Part 2 of the Investigatory Powers Act 2016; or
- (b) a warrant under Chapter 1 of Part 6 of that Act.

Commencement Information

II Reg. 81 in force at 19.6.2023, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Service Police (Complaints etc.) Regulations 2023, Section 81.