

Specificity of the intelligence activity of the Central Anti-Corruption Bureau

How, thanks to the consistent advancement of intelligence activities, the Bureau has become an effective safeguard for the state's economic interests.

Wojciech Pietr, October 2024

I. Introduction

Intelligence analysis, in the context of intelligence and law enforcement agencies, is the process of systematical collection, processing and interpreting intelligence in order to gain knowledge about phenomena that may pose a threat to public or state security. In the Central Anti-Corruption Bureau, intelligence analysis plays a key role, enabling the effective detection and combating of corruption and activities detrimental to the economic interests of the state.

The purpose of this article is to introduce the reader to what the analytical activity of the CBA is. It will briefly outline its legal basis, how it is organized, what distinguishes the intelligence analysis at the CBA from other security agencies and what challenges the intelligence branches face. This article shows the importance of intelligence operations of the security agencies for the realization of the idea of an efficient and sovereign state and a free society. Intelligence analysis, as a proven and highly effective cognitive tool, is an essential component of a strong, efficient and just state, in which decisions are made on the basis of reliable and verified knowledge.

The Central Anti-Corruption Bureau, as a young institution, built and developed its intelligence branch by combining the experience of both the Police and intelligence agencies. This combination of different traditions brought both advantages, such as a wide range of research methods, and challenges related to the need to develop a coherent methodology. Over the 18 years of the Bureau's existence, it has been possible to create a strong analytical component that effectively pursues - either independently or in support of the investigative and audit activities - the CBA's mission of relentlessly pursuing corruption and activities detrimental to the state's economic interests. Moreover, CBA analysts have carried out and continue to carry out momentous and unique tasks allowing for proactive protection of the state's economic interests in the formula of anti-corruption shield. The pinnacle achievement in this field was the shielding activities against large government programs aimed at preventing the negative effects of the COVID-19 epidemic on the national economy, such as the Financial Shield implemented by the Polish Development Fund, the Anti-Crisis Shield, or the procurement programs of the Ministry of Health and the Government Strategic Reserves Agency.

Intelligence activity is crucial to the effective functioning not only of the security agencies, but of the entire state in general. Thanks to intelligence analysis operations, the intelligence and law enforcement agencies are better able to anticipate threats, make more informed decisions and use available resources more efficiently. In the case of the Central Anti-Corruption Bureau, intelligence analysis allows for a deeper understanding of the phenomenon of corruption and activities detrimental to the economic interests of the state, the identification of the most vulnerable areas and the proposal of effective measures to combat and prevent these pathologies.

Therefore, it should be clearly emphasized at the outset that, from the perspective of abundant experience of the intelligence branch of the CBA, the announced dissolution of the Bureau means not only the loss of unique knowledge and experience, but also the weakening of the state's ability to effectively counteract corruption and economic criminality targeting the public interest, especially in the dimension of proactive prevention of these socially harmful phenomena. Although other security agencies also carry out intensive intelligence activities, the fight against these two serious threats requires specialized knowledge and tools, which are concentrated precisely in the CBA. The

liquidation of the Bureau will lead to the disintegration of these resources, and their rebuilding to the current level in other organizational conditions, if it is implemented at all, will take several years and will mean a decrease in the efficiency of the state to effectively protect its assets. In the opinion of the author, Poland cannot afford such wastage in such turbulent times.

This article is journalistic in nature and is far from an in-depth characterization of the intelligence analysis operations of the CBA. Nevertheless, a more in-depth reflection on the subject would certainly be useful in the context of the further functioning of the anti-corruption agency itself and the necessary reforms, as well as in relation to the broader intelligence activity of the Polish intelligence and law enforcement agencies and the relevance of the analyses they develop for improving the functioning of public authority.

II. Legal basis of the CBA's intelligence activities

The intelligence activities of the CBA is a key element of its functioning and is regulated by the provisions of the Act of 9 June 2006 on the Central Anti-Corruption Bureau, hereinafter referred to as the 'Act'. These provisions indicate both the purpose, scope and methods of conducting intelligence analyses in the CBA.

Pursuant to Article 2(1)(6), the tasks of the Bureau, within the scope of its material competence set out in Article 1 (1), i.e. the tasks of the special service established to combat corruption in public and economic life, in particular in state and local government institutions, as well as to combat activities detrimental to the economic interests of the state, include conducting analytical activities concerning these phenomena and presenting information on the matter to the Prime Minister, the President of the Republic of Poland, the Sejm and the Senate.

In turn, in accordance with Article 13(1)(3), within the scope of the tasks referred to in Article 2, officers of the CBA perform investigative as well as intelligence activities in order to obtain and process information relevant for combating corruption in state institutions and territorial self-government as well as activity detrimental to the economic interests of the state.

In view of the above, in the light of the provisions of the Act, the main objective of the CBA's intelligence activity is to prevent, detect and combat corruption and activity detrimental to the economic interests of the state, understood as criminal activity in accordance with their legal definitions contained in its Article 1. The very scope of the CBA's analytical activity is therefore very broad and includes:

- strategic analysis: consisting in the assessment of the general situation in the fight against corruption and economic crime, the identification of the main trends and threats and the development of recommendations aimed at systemic countering of these threats,
- operational analysis: aimed at specific cases or phenomena, the purpose of which is to acquire information necessary to carry out investigative activities in criminal cases the CBA has been established to pursue,
- threat analysis: consisting in the collection, processing and analysis of information from various sources available to the CBA, in order to obtain knowledge of corruption and activities detrimental to the economic interests of the state and its subsequent dissemination to the most important state authorities, such as the Prime Minister, the President of the Republic of Poland, the Sejm and the Senate.

It is also significant that the Act does not expound on the above-cited provisions of Articles 2(1)(6) and 13(1)(3) in the context of the intelligence activity of the CBA itself. However, it should be noted that the powers, crucial from the perspective of the effectiveness of intelligence activity, from the perspective of acquiring and processing of personal data pursuant to Article 22a of the Act and telecommunications data pursuant to Article 18 of the Act explicitly authorize the CBA to acquire such data for the purpose of accomplishing the objectives of the Bureau's intelligence activity referred to in Article 2(1)(6) of the Act, without the necessity to conduct a case for a specific offence either in the form of an operational case or a pre-trial proceedings. Similar powers are vested in CBA analysts to access data

and information on the basis of the provisions of separate acts, which grant the CBA the power to access legally protected data by reference to Article 2(1) of the CBA Act. An example of such a regulation are the provisions of Articles 297 and 297e of the Tax Ordinance Act granting the CBA access to certain categories of tax data. On the other hand, as a rule, for the purpose of pursuing the statutorily defined objectives of the analytical activity of the CBA, analysts of the Bureau are authorized to obtain access to information collected by officers of the CBA in the course of all forms of its activity, i.e. operational, investigative and audit activities, taking into consideration the generally binding norms, in particular the provisions of the Act on the protection of classified information and the Act on the protection of personal data. Thus, it should be considered that the statutory provisions guarantee CBA analysts access to a very broad spectrum of information necessary to achieve the objectives of intelligence activities. This is, of course, crucial to the effectiveness and relevance of these activities.

In addition to the statutory regulations discussed above, the intelligence activity of the CBA is regulated by acts of internal law, i.e. orders and decisions of the Head of the CBA. Of fundamental importance for the determination of the framework for the performance of tasks by CBA analysts is the Order of the Head of the CBA of 2022 on the forms and methods of performing intelligence activities, the content of which is classified and therefore cannot be the subject of the present deliberations. Without going into classified details, it should be pointed out that this act defines the forms and methods of analytical work of the CBA and regulates the issues of cooperation of the analytical units of the Bureau with other organizational units in the course of intelligence activity.

In outlining the legal basis for the intelligence activities of the CBA, it is necessary to emphasize that with the passage of successive years of operation and experience gained, especially in response to new challenges, the Bureau has evolved and matured. As a result of intensive day-to-day practice, it has become obvious to the management and many officers that the Act on the Central Anti-Corruption Bureau and certain other laws regulating the CBA's activities require significant amendments to enable the formation to continue to develop effectively and to carry out its mission in countering corruption and activities detrimental to the state's economic interests more and more efficiently. In other words, it can be said that the Bureau grew out of a law tailored for it when it was established in 2006. Despite the fact that the need to change the agency's pragmatics had been discussed for years during important events related to the history and development of the CBA, it was not until 2020-2021 that a comprehensive draft amendment to the Act on the Central Anti-Corruption Bureau and other laws was drafted through the efforts of all departments and units, with the aim of preparing the legal framework for the efficient operation of the Polish anti-corruption agency for decades to come. In addition to the correction of a number of provisions requiring amendment due to the difficulties arising from their practical application, which often made futile the efforts of officers in the fight against corruption, economic or tax crime, the draft foresaw significant changes in the pragmatics in almost all spheres of the service's activities. In the intelligence domain, the key postulates included in the draft are: unification of telecommunications and banking data formats, clarification of banking secrecy, increasing the CBA's ability to access public data sets, and regulating the framework for shielding activities.

III. Organization of CBA's intelligence activity

Analytical activity is conducted by the organizational units of the Bureau, in which officers performing the tasks set forth in the aforementioned provisions of Article 2 and Article 13 of the Act are present, as well as employees supporting them, collectively referred to as the intelligence branch of the CBA. The leading unit for this type of activity is the Intelligence Analysis Department, which is a unit included in the structure of the CBA Headquarters in Warsaw. This Department is responsible for intelligence activity in its broadest spectrum and, moreover, coordinates and supports analytical activities performed in other organizational units of the Bureau. It is in the Intelligence Analysis Department that activities in the area of strategic analysis and threat analysis, including within the framework of shielding operations, are performed above all. On the other hand, day-to-day operational analysis activities supporting the

CBA's investigative and audit activities are carried out by the Bureau's criminal analysts in other organizational units, in particular in the CBA's field offices located in 12 major urban centers in Poland¹. The Intelligence Analysis Department, on the other hand, co-ordinates the development of operational analysis within the Bureau, as well as performs operational analyses commissioned by other units in more complex cases, especially when the use of analytical tools unavailable or unsupported in field offices, such as geospatial analysis tools for example, is required.

Detailed organizational regulations concerning the functioning of the CBA Intelligence Analysis Department are set out in the Bureau's internal regulations, in particular the organizational regulations of this unit². The now obsolete organizational regulations of the Department imposed on this unit a total of twelve general tasks, of which the first four should be regarded as tasks strictly related to the conduct of intelligence activities specified in the Act. These tasks are as follows:

- conducting and coordinating the intelligence activities of the CBA;
- defining the model and directions of development of operational analysis, strategic analysis and open source intelligence in the CBA and coordinating the activities of the CBA organizational units in these areas;
- carrying out activities in the framework of anti-corruption shield for large scale government economic projects, as well as legislative processes, and coordinating such activities;
- supporting investigative and audit activities conducted by other organizational units of the CBA, including in the area of international co-operation.

It is worth adding that, apart from the analytical activity understood in accordance with its statutory regulation, the CBA Analysis Department also performs a number of other tasks of key importance for the functioning of the entire agency, i.e. in particular:

- creation, maintenance and development of IT tools and databases necessary for the performance of the tasks of the CBA (including intelligence activities);
- making data and information from databases available and coordinating the exchange of information;
- conducting and coordinating international exchange of information in operational and criminal cases;
- verification of declarations of conflict of interest submitted on the basis of separate provisions;
- co-operating in the creation and giving opinions on training and in-service training programs, as well as training of CBA officers and employees within the scope of the Department's mission;
- initiating, conducting and accounting for projects of obtaining external funds by the CBA to finance the development of intelligence activities;
- running the CBA's Archive and supervising the archiving carried out in the CBA's organizational units.

The organizational regulations of the Intelligence Analysis Department mentioned above, also defined the internal organizational structure of this unit. This unit is made up of three divisions and two referrals. Division I and Division III are organizational units performing tasks primarily in the field of intelligence activities of the CBA. Division II, on the other hand, is a central records cell performing tasks in the scope of creating, maintaining and developing tools and databases of the CBA³, providing access to data and information from databases and coordinating information

¹ Field offices in: Białystok, Bydgoszcz, Gdańsk, Katowice, Kraków, Lublin, Łódź, Poznań, Rzeszów, Szczecin, Warszawa, Wrocław.

² See the now obsolete Order No. 21/20 of the Head of the CBA dated August 18, 2020 on the organizational regulations of the Intelligence Analysis Department of the Central Anti-Corruption Bureau (<https://sip.lex.pl/akty-prawne/dzienniki-re-sortowe/regulamin-organizacyjny-departamentu-analiz-centralnego-biura-35795202>). The act expired in the first half of 2024 and was replaced by a classified regulation.

³ These are tasks involving the substantive (not technical) administration of the CBA's information resources and organizing access to external information resources for the entire agency. In technical terms, these tasks are carried out by the CBA's ICT Office, with which the Analysis Department closely cooperates.

exchange, as well as conducting and coordinating international information exchange. The Archives Desk, in turn, is responsible for maintaining the CBA's Archives and supervising the archiving carried out in other units. The Organizational Desk, on the other hand, performs tasks in the area of clerical, personnel, financial and logistical services to the Department in cooperation with the units of the CBA Headquarters competent in this respect.

Turning to the specifics of the organization of intelligence activities in the CBA's field offices, it should be pointed out that until 2022 the units were free to locate the analytical function in their organizational structure. This often resulted in analysts being charged with tasks from areas other than operational analysis, including even tasks from the areas of logistics, ICT or security. Due to the need to unify the organization of the CBA's intelligence branch and to relieve the analysts of the Bureau trained for intelligence activities from other tasks, the Head of the CBA decided in 2022 that it was necessary to create separate organizational units in field offices which will be responsible for the performance of tasks in the area of operational analysis. Due to the scarcity of human resources in the field, these cells were also to carry out tasks in the area of computer forensics. In this way, organizational cells were created in CBA field offices with specialized officers – criminal analysts and forensic IT specialists, dedicated to these types of activities, as well as supporting civilian staff. These cells could not carry out other types of tasks. It is worth mentioning that the number of crime analysts in the field units varied from a few to even a dozen people.

In the area of criminal analysis, the CBA modelled itself on the organizational solutions of the Police, which in turn created its intelligence analysis branch using models received in the late 1990s from the Netherlands and the United Kingdom. On the other hand, in the areas of strategic or intelligence analysis, the CBA has largely created its own original organizational solutions especially due to the specifics of its shielding operations, which will be covered in the next chapter. Nevertheless, it should be noted that the intelligence activities of the CBA in these areas have also been significantly influenced by criminal (operational) analysis, which is reflected in the extensive use of visualization of links in diagrams and in the logical construction of CBA's analytical products. This is primarily due to the fact that the vast majority of CBA analysts, both from the headquarters and field offices, have completed dedicated training in criminal intelligence analysis organized by the Police, the ABW and the SKW⁴.

IV. Distinctive features of CBA's intelligence activity

It has been shown above that the intelligence activity of the Central Anti-Corruption Bureau has its roots, inter alia, in criminal intelligence analysis. Through this, it refers to the analytical tradition of the Police. Nevertheless, despite this historical affinity, the intelligence activity of the CBA stands out from the intelligence activity of other intelligence and law enforcement organizations in the Republic of Poland. And it is not just that CBA analysts focus their attention primarily on the threats that the Bureau was established in 2006 to counteract, i.e. corruption and activities detrimental to the economic interests of the Polish state. These threats are also the subject of inquiries of other agencies, in particular the ABW, the Police, or the KAS (National Revenue Administration), but also of other agencies, which combat corruption within their ranks. While it is indeed the case that the identification and investigation of corruption and activities detrimental to the economic interests of the state is the primary objective of the officers and employees of the analytical branch of the CBA, and no other security agency in the country devotes as much attention to these two threats, the very subject of the Bureau's intelligence activity does not distinguish it from other national LEAs. The following is the author's attempt to single out those features of the CBA's intelligence activity that provide grounds for claiming that it is unique, and that resulting benefits to the public interest not only call for it to be nurtured, but demand that it be reinforced and developed further.

⁴ In the first half of 2024, as a result of tasks initiated several years earlier, the CBA organized its first course in the basics of criminal intelligence analysis, which was conducted for a group of a dozen officers in a dedicated analytical laboratory located at the CBA's President Lech Kaczyński Training and Conference Center in Lucien, built with funds obtained from the Norwegian Financial Mechanism.

First of all, as already mentioned, not only the intelligence functions of the Bureau, but also those related to administering the agency's records as well as providing it with access to external databases, in particular state records, have been concentrated in the CBA's Intelligence Analysis Department. This organizational feature, distinguishing it from other national security bodies, resulted in the CBA actively gaining direct online access to further external databases, such as PESEL, REGON, CEPIK or KRS⁵. The peak achievement in this respect was when, as a result of the November 2017 amendment to the Tax Ordinance Act⁶, the CBA gained online access to tax and financial data administered by the Ministry of Finance and the National Revenue Administration, including data from the POLTAX system, data on VAT invoices issued by entrepreneurs (JPK-VAT data) and data on transactions between entrepreneurs (STIR data). Amendments to the Tax Ordinance in this respect were initiated by the CBA, which was aware that this data is absolutely necessary for the effective implementation of its statutory mission. However, the amendment to the Tax Ordinance alone was not sufficient for the Bureau to be able to obtain data from the tax resources of the Ministry of Finance online. After the amendment of the Tax Ordinance, the process of adopting appropriate memoranda of understanding, procedures and setting up technical solutions took many more months. Eventually, the Bureau gained actual access to online tax data in the second half of 2019.

Second of all, thanks to the day-to-day experience of CBA analysts in processing data from state registers and applying for this purpose methodologies specific to criminal analysis, a concept of an upgraded data retrieval system was developed in the Intelligence Analysis Department. The system was implemented in the first half of 2018, and it allowed access to various state registers to which the CBA had direct access under Article 22a of the CBA Act, i.e. directly online. It was given the name System for Analysis of State Registers, or 'SARP' for short in Polish. It was equipped with unique analytical functionalities allowing for much faster (compared to traditional systems for accessing data from state records, which were in use in other agencies at the same time) extraction of information from records and their efficient juxtaposition with subsequent related data in the form of visualization on diagrams. As a result, SARP gave officers incomparable opportunities to quickly integrate and display information from different registers on the persons and entities of interest. This dramatically reduces the time needed to obtain knowledge from state databases about the persons and entities being checked. In traditional systems, such operations were not possible directly and required the use of separate analytical tools. With SARP, in the space of just a few minutes, it is possible to see on screen the current or historical links between the person being checked and businesses, vehicles, documents and other linked persons.

What is more, in the context of the implementation of SARP, what is important and distinguishes it from other state institutions is that the CBA had a wealth of experience in the operation of the national IT market, particularly with regard to public procurement. This experience was gained by the Bureau in the course of intensive shielding activities in the area of public IT already carried out since 2010, covering the largest public procurements related to IT projects implemented by such public administration giants as ZUS (national social security institution), ARiMR (agriculture modernization agency), MoF, MoH and MoJ, among others. Therefore, with regard to SARP, which was provided by a commercial entity as a result of a public procurement, the CBA secured the legal possibility to take it over for maintenance and development with its own means⁷ and to transfer the intellectual property rights to the system and related source codes to other agencies free of charge⁸.

⁵ Respectively: population register (PESEL), business register (REGON), vehicles and drivers register (CEPIK), and commercial register (KRS).

⁶ Act of November 24, 2017 on amending certain acts to prevent the use of the financial sector for fiscal fraud (amendment to the Tax Ordinance).

⁷ Which, unfortunately, never happened due to the Bureau's lack of adequate human resources.

⁸ Which, unfortunately, never happened due to the lack of proper coordination of the development of the ICT infrastructure by Polish security agencies.

Third of all, against the background of the intelligence operations of the Polish intelligence and law enforcement agencies, it may be asserted that it is the CBA's intelligence operations which are the most proactive and focused on preventing corruption and economic threats, which erode the foundations of the Polish state and the social fabric. The purpose of shielding activities is primarily to prevent damage to public assets that may arise as a result of corrupt entanglements or mismanagement, fraud or other forms of economic crime. Such an inherently preventive objective takes precedence in the intelligence operations of the CBA over criminal repression, which is, however, still not an obvious feature of the national law enforcement and security apparatus. The enormous involvement over the last decade of the CBA's intelligence branch, supported by the Bureau's other branches, in anti-corruption shielding operations has allowed it to achieve results that other security agencies in the country cannot match. Although the name anti-corruption shielding is unambiguously associated with the CBA, other special services, in particular the Internal Security Agency (ABW) and the Military Counterintelligence Service (SKW), have also been and still are involved in this line of activities. There is considerable potential in this area for other national security agencies, especially the Police and National Revenue Administration (KAS), which also have the instruments, knowledge and experience to identify corruption and economic threats at an early stage. Nonetheless, it is the CBA that has recorded its extraordinary achievements in the field of shielding activities.

The origins of shielding activities date back to the first half of 2008, when, during a meeting of the College for Special Services, the Prime Minister instructed the heads of special services to create a system of anti-corruption shielding to protect important privatization and public procurement processes. This project, referred to as the 'Anti-Corruption Shield', did not originally have a formalized character. Subsequently, in 2012, on the basis of an order of the Secretary of the College of Special Services, security agencies were ordered to undertake similar preventive measures, under the name 'Anti-corruption Shield'. The shielding activities were not regulated in any way until January 2015, when the Prime Minister issued guidelines, which, despite numerous imperfections, lived to see their first amendment only in 2024. Despite their undoubtedly positive effect in streamlining the shielding activities of Polish security agencies, the drawback of these guidelines is that they are not a source of universally binding law. As a consequence, cooperation with institutions or entities being subject to shielding activities, such as individual ministries, central government institutions or, finally, state-owned enterprises, which is crucial for the success of shielding activities, does not have adequate legal basis to facilitate cooperation and ensure appropriate response to signals on identified threats.

Despite the fact that shielding operations had been uninterrupted since 2008, during the COVID-19 pandemic, they assumed an unprecedented scale. In response to threats to the national economy, governments, including Poland, launched unprecedented public assistance programs for entrepreneurs, injecting gigantic streams of funds into the economy. In Poland, the government was concerned about the dangers posed by the hasty distribution of public funds of such enormous value and therefore, in May 2020, on the instructions of the Prime Minister and the Minister Coordinator of the Special Services, the CBA provided anti-corruption shielding for aid programs intended for businesses under the Financial Shield implemented by the Polish Development Fund. The CBA was designated as the center coordinating shielding activities conducted also by other security agencies, in particular the ABW, SKW, Police, KAS and Border Guard. Nearly 350,000 entities benefited from all Financial Shield programs between 2020 and 2023, receiving support totaling PLN 73.2 billion. According to the data contained in the annual reports of the Central Anti-Corruption Bureau in the period from 2020 to 2023⁹, under the entire Financial Shield program, the shielding activities coordinated by the CBA allowed to present 3.8 thousand recommendations not to grant financial subsidies or to demand the return of the subsidies, in the total amount of PLN 2.51 billion. This is an unprecedented result in the history of Polish security bodies, which had been achieved as a direct result of shielding activities, being mainly preventive and prophylactic in nature. This result could have been even higher if the security agencies had been given

⁹ Central Anticorruption Bureau – <https://cba.gov.pl/pl/o-nas/informacja-o-wynikach>.

time to carry out verification activities prior to the launch of the Financial Shield program and the distribution of aid to small and medium-sized enterprises.

In addition, during the same period, the CBA conducted coordinated analytical activities in relation to public funds with a total value of PLN 14 billion paid for the protection of jobs from the Anti-crisis Shield program distributed by Social Security Institution (ZUS) as well as regional and district labor offices across Poland. It is worth to mention these activities, although they did not have a preventive and protective effect, as they were conducted in a situation where the funds had previously been paid out to the applicants. As a result, more than a hundred potential scams of a total value of several dozen million PLN were revealed. Also in this case, prior verification of applicants by the intelligence and law enforcement agencies in the course of shielding activities would have made it possible to prevent the transfer of millions of zlotys to unreliable entities, often directly run by economic criminals.

During the pandemic period, the CBA also provided shielding for the purchases of resources necessary to protect the life and health of the public carried out by the Ministry of Health and the Government Strategic Reserves Agency (RARS). Over several years of shielding activities, the intelligence branch of the CBA, with the support of the investigations division, assessed nearly 300 potential contractors in terms of threats to the interests of the procuring entities, issuing negative opinions against potential contractors in relation to whom the CBA had information indicating a high risk of fraud or raising reservations in regard to entities whose economic credibility was in doubt. In relation to almost half of the entities reviewed, the CBA issued negative opinions or reported reservations. In the absence of relevant regulations, the CBA's recommendations were non-binding. However, MoH and RARS mostly took CBA recommendations into account in their procurement processes. As a consequence, in many cases the risk of loss or misappropriation of funds in public procurements usually worth millions of zlotys has been avoided.

It is also worth mentioning that in the area of anti-corruption shielding, the CBA has achieved many other spectacular successes. As part of its shielding activities in the public IT sector, over the course of several years the CBA secured the largest IT projects implemented by the most important national public institutions. In the healthcare sector, assumptions were developed for the Reimbursement Act, which allowed for many years of generating significant savings in the state's drug budget without compromising the quality of healthcare for the population, as well as shielding government programs and projects such as, for example, the program for the purchase of antiretroviral drugs, the National Program for the Treatment of Haemophilia Patients, the National Oncology Strategy, the project for the creation of the National Plasma Fractionator, and monitoring conflicts of interest among national consultants and members of advisory bodies acting under the Minister of Health in the context of reimbursement processes. On the other hand, within the framework of the first shielding activities historically carried out with regard to privatization processes, on more than one occasion the results of CBA analyses led to the elimination of unreliable entities from participation or to stopping decisions taken by decision-makers managing these processes, which were unfavorable from the perspective of the state's economic interests. The CBA also shielded public procurement carried out in connection with the organisation in Poland of important international events such as the COP24 climate summit in Katowice in 2018 and the 11th session of the World Urban Forum in Katowice in 2021¹⁰.

On the basis of the Act of 29 October 2021 on the construction of state border wall, the analytical branch of the CBA conducted shielding activities aimed at verifying potential contractors and subcontractors of investments and suppliers of solutions or materials, as well as identifying threats to covered investments. Initially, preventive shielding activities included the construction of an electronic barrier on the border with Belarus, followed by the construction of a

¹⁰ An important distinctive feature of these shielding operations is that they were carried out on the basis of the provisions of special laws dedicated to preparations for the events in question. It is a peculiar curiosity that the provisions of these laws obliged the CBA to control the public procurement carried out by the organizers of these events and did not refer in any way to the institution of the anti-corruption shield known from the Prime Minister's 2015 guidelines. In practice, however, the CBA's activities were primarily of a shielding and preventive nature, rather than auditing measures.

perimetric barrier on the border with the Russian Federation. Similarly to the above-described cases, the CBA provided opinions to economic entities interested in participating in the investment, issuing negative opinions or raising objections, which were passed on to the investor, i.e. the Border Guard Headquarters.

Summing up the results of the analytical shielding activity of the CBA, one may risk a bold statement that as a result of these operations, in the years 2008-2024, savings on the part of the Treasury counted in hundreds of millions of zlotys (probably over PLN 1 billion) were generated and public funds were secured against the risk of fraud or unlawful loss with a total value counted in billions of zlotys¹¹.

When discussing the CBA's shielding activities, it should be noted that they would certainly not have been so effective, if, at the same time, the Bureau had not been widely known to the public for its uncompromising fight against corruption and economic crime, as well as for its long-standing tradition of spectacular apprehending of suspects. It can be assumed that the Bureau's recommendations formulated in analytical products resulting from shielding activities, addressed to key decision-makers in the administration, would not be so thoroughly considered if they came from an institution not equipped with instruments of legal and criminal repression, which is capable of using them effectively. After all, as part of his shielding activity, the CBA analyst was implementing the pragmatic postulate encapsulated in these words of Theodore Roosevelt - 'Speak softly and carry a big stick, and you will go far.'

Fourthly, thanks to direct access to tax data administered by the Ministry of Finance, its own IT systems and analytical tools, as well as its extensive experience in shielding operations, the CBA, as the only intelligence agency in Poland besides the ABW, effectively undertook throughout 2022-2023 systemic actions aimed at uncovering economic entities whose activities on the territory of Poland could have contributed to supporting the aggression of the Russian Federation against Ukraine. The Bureau directed more than 40 applications to the Ministry of the Interior and Administration for entry on the national sanctions list of persons and entities. On the basis of these applications, the minister in charge of internal affairs included 6 persons and 27 entities on the sanctions list, while related economic and financial resources with a total value of nearly PLN 1.6 billion were frozen. In addition, the CBA identified 207 so-called 'sleeper companies' with respect to which there was a significant risk that they could be used for illegal activities. In relation to these companies, the Bureau applied to the registry courts for their dissolution and deletion from the KRS without conducting liquidation proceedings. By the end of 2023, the courts had struck off 101 of these entities.

Fifthly, all the aforementioned distinguishing features of the CBA's intelligence activities have driven its consistent development. The huge anti-corruption shield projects during the pandemic and the analytical activities in the context of sanctions mentioned above became the seed for the development of the CBA's intelligence operations in the previously unexplored area of big data analytics. This involved the need to acquire new analytical tools, more effective than any previously used in the anti-corruption service, based on the use of graph databases, machine learning and, eventually, artificial intelligence. As a result, the CBA's Intelligence Analyses Department, through cooperation primarily with the Operational Technology Office, the ICT Office and a specialized Polish IT company, managed to create a modern analytical environment allowing for deep analytics of mass data and the implementation of automated algorithms for assessing the risk of public funds being defrauded by beneficiaries of Financial Shield programs. The

¹¹ Savings can be said to occur when, as a result of the CBA's shielding activities, the implementer of a project or other economic undertaking, i.e. most often a central government body, reduced the budget of the undertaking and did not spend the funds for an unnecessary or unjustified purpose. On the other hand, safeguarding public funds from the risk of extortion or unlawful loss refers to situations in which a public procurer or project implementer did not award a contract to an unreliable sub-entity, nevertheless the funds were transferred anyway to meet a public need, but went to an entity about which no information negatively affecting its credibility was disclosed.

same analytical environment was later applied to analyze data on potential candidates for sanctions under the Law of 13 April 2022¹².

Finally and sixthly, it should be pointed out that the intelligence operations of the CBA were also distinguished by the fact that a team dealing with the exchange of criminal intelligence via international channels, i.e. Interpol, Europol, SIRENE and liaison officers, is part of the Intelligence Analysis Department. As a result, CBA analysts, particularly in the said Department, had easier access to information concerning their professional interests abroad and to instruments of international cooperation, and were able to learn about good practices applied in analysis in other countries. This circumstance had a positive impact on the pace and scope of development of the Bureau's intelligence activities.

V. Challenges to intelligence analysis

The greatest challenges to the intelligence activity of the CBA will be presented below in a synthetic form. The author is convinced that they are common to intelligence branches of all Polish intelligence and law enforcement agencies. Adequately tackling these challenges will not only be key to ensuring sustained efficiency and effectiveness of the intelligence and policing agencies, but given the current pace of scientific and technological development, will in principle determine whether these agencies will remain a useful tool for the Polish state and its citizens.

The current pace of events and the growing number of diverse threats make it necessary for the security agencies, and in particular their intelligence branches, to be very flexible in order to be able to adapt quickly to the dynamically changing reality. The last few years have shown that the security agencies need to have the capacity to respond swiftly to new challenges. The COVID-19 outbreak, hybrid war, migration crisis, Russia's aggression against Ukraine, economic warfare and sanctions, occurring in succession, have shown how seriously the security of the state and its populace is at stake. Over the course of several years, the intelligence branch of the CBA has successfully taken on completely new and previously unknown tasks. It can be assumed that this pressure will be maintained and that in the coming years CBA analysts and their colleagues in other security agencies will face not one but several more unusual tasks with a high degree of complexity.

Under these circumstances, the most significant challenge for the CBA's intelligence branch is the staffing situation. The current staff shortages, great difficulties in filling them, the increasing specialization of employment, the relatively low attractiveness of employment in the service against the background of the entire labor market mean that the intelligence branch of the CBA, in order to be able to respond effectively to the growing threats and, on top of that, to develop actively, will have to be able to maintain its staff resources and expand them with a range of competences, especially those in the area of modern analytical and IT technologies.

The current budget of the Bureau, including the one allocated to the intelligence branch of the CBA, is far from adequate to the scale of the piling up threats. This applies in particular to funds for maintaining and acquiring new human resources, as well as funds for necessary investments in analytical tools and technologies and training in their use. Experience has shown that the key is, above all, to ensure adequate resources for staffing and its appropriate growth by increasingly advanced competences. It is only by ensuring adequate human resources with the right set of competencies that investments in technical means and tools can be made responsibly and effectively without compromising the efficiency of the core business. This problem extends not only to the intelligence branch, but also to the support branch, i.e. units responsible for operational technology, ICT, human resources, logistics and finance. The development of advanced analytical tools, which have been consistently and with great commitment built within the service, requires the maintenance and recruitment of additional teams of qualified specialists with diverse competency profiles.

¹² Act of April 13, 2022 on special solutions to prevent support for aggression against Ukraine and to protect national security.

The fundamental issues described above are compounded by extremely dynamic, rapid technological advances particularly in areas such as telecommunications, IT and data analytics, including artificial intelligence. These are key areas for the development of intelligence operations. In a country serious about security, the minimum standard should be to maintain such human resources in the security agencies that would be able to keep up with these advances and continuously test and evaluate new technologies and then deploy the most useful ones to their mission in the organization.

Another major challenge is the increasing inflation of information. Today, it is not a problem to obtain information on a given topic, but rather to assess, select and analyze it competently and efficiently, so as to prepare an intelligence product in time to allow the relevant decision-makers to effectively counter the identified threats. In this context, an important organizational issue is also the proper management of current matters, which are never in short supply and never stop coming in. In the flurry of these, important issues that require a strategic approach are easily missed, and development issues are also relegated to the background or further away.

Another major challenge for intelligence activity is the need for efficient cooperation and information exchange with partners at home and abroad. In Poland, there is a lack of institutional solutions in the public sector to support effective and efficient exchange of intelligence, sharing of experiences, exchange and sharing of resources, secondment of officers and staff, or building joint ad hoc working teams. In some countries, special laws regulate relations between public sector entities and establish institutions to promote closer cooperation between them.

As far as international cooperation is concerned, it should be noted that Polish security services, including the CBA, in comparison with most of their European partners, are inadequately represented in international organizations in relation to the country's economic potential and population. The Polish liaison office at Europol has only a few people, and the CBA does not even have a representative there. The Polish network of liaison officers abroad is also modest. In addition, the international cooperation of Polish services is poorly coordinated. As a result, Polish services are not able to effectively use the whole range of cooperation opportunities provided by international organizations and institutional presence in other countries with which Poland has close economic relations. These cooperation opportunities include, among others, raising funds for investment or collaboration in transborder cases.

Finally, not only from the perspective of the need to develop intelligence activity, it is necessary to amend the Act on the Central Anti-Corruption Bureau. This legal act from 2006, which has been amended several times and in a narrow, point-by-point manner, is already outdated and anachronistic in many places. Practice has shown that many provisions of the act are ineffective and need to be corrected, and some remain obsolete. The Bureau developed a comprehensive draft amendment in 2020-2021 aimed at increasing the efficiency and effectiveness of the CBA in every area of its activity and presented it to the Minister-Coordinator. In the context of intelligence activities, it is crucial to adopt provisions that increase the scope of access to data, particularly on financial and property issues, standardize the formats of the most commonly processed types of data, i.e. telecommunications and bank records, or clarify the scope of bank secrecy. In a broader context, in order to increase the analytical potential of the CBA, it is also desirable to introduce such changes which would increase the Bureau's recruitment capabilities, improve the exchange of intelligence with other institutions and, in the security sector, create a Polish intelligence community, expand the possibilities of international cooperation or regulate the shielding activity of the security agencies.

VI. Summary

Thoughts on intelligence activity of the Central Anti-Corruption Bureau should be wrapped up with an attempt to define the essence of this activity and provide a summary of the achievements of CBA analysts to date. This is of particular importance in the light of the announced liquidation of the anti-corruption service by decision-makers at

the highest level, motivated by a smear campaign against the Bureau and conducted in the context of the recent parliamentary elections and the resultant change of power.

How can the essence of the CBA's intelligence activity be defined in one synthesis? Is this even possible? Taking into account the observations made earlier, especially those concerning the legal basis of the CBA's analytical activity, as well as taking into account the many years of practice, one may be tempted to state that the essence of the CBA's intelligence activity, in the simplest possible terms, is the timely transfer of knowledge on threats to corruption or to the economic interests of the state, which supports recipient's decision-making processes and enables a reaction (action or refraining from action) that is desirable from the perspective of the public interest.

Turning to a summary of the results of the CBA's intelligence activity, it is valid to state that over the course of more than 18 years of its existence, and comparing it to the age of a human being – upon reaching adulthood, the Central Anti-Corruption Bureau has managed to develop a mature intelligence branch, which, in the face of a wave of various threats to the country's security in recent years, has effectively carried out the most difficult tasks it has ever faced. Moreover, these results were achieved despite numerous challenges and difficulties, which are discussed in more detail in section V. In addition to the typical tasks carried out by the intelligence analysis units within the intelligence and law enforcement agencies, including production of intelligence reports on threats falling under its mandate, as well as supporting other branches in the course of ongoing investigations, the CBA has become famous for its shielding activities, actively protecting public assets from fraud, damage and waste. As a result of the CBA's shielding activities, massive savings amounting to hundreds of millions of zlotys were generated, and public economic ventures worth several billion zlotys were effectively safeguarded.

The Bureau's greatest achievements in shielding activities relate to securing the Financial Shield, Anti-Crisis Shield, MoH and RARS procurement programs and shielding IT procurement conducted by key state institutions, as well as shielding of public healthcare sector. These activities formed the basis for the development of an intelligence project unique in the country and across Europe, involving practical application of graph databases, machine learning and artificial intelligence to estimate the risk of misappropriation of public funds put to disposal of hundreds of thousands of entrepreneurs. The results of this intelligence experiment of sorts suggest that its wider application could significantly reduce the risk of fraud of both national and European public funds distributed by Polish implementing institutions. Propagation of this solution, in the author's opinion, would make it possible to prevent not only multi-million damages to the assets of the European Union, the State Treasury or local government, but also to protect the image of public authorities against public criticism caused by justified dissatisfaction with the transfer of public money to unreliable entities or even economic criminals. Moreover, given the potential inherent in this innovative solution combining analytical methodology, multi-source financial and economic data and the know-how of CBA analysts with modern technologies, it is safe to assume that the funds allocated for the development of the CBA's analytical division would not only quickly earn for itself, but would also bring a multiple return on investment.

It is also important to note that the CBA's shielding activity is an element of the Polish state's overall systemic response to threats to its economic interests, which is the Central Anti-Corruption Bureau, and it would not be as effective if it were not part of the Bureau. The Bureau itself, through its shielding activities and tireless fight against corruption, tax, and economic crime, has become a permanent part of the national security system as a service that actively and effectively safeguards the economic interests of the state.

In view of the planned liquidation of the Central Anti-Corruption Bureau, which will inevitably also lead to the disintegration of its intelligence branch, the achievements and work of CBA analysts outlined above will be lost. As a consequence, the Polish state will lose an opportunity to significantly improve its effectiveness in the area of protecting financial resources against corruption and extortion. This would be a strategic mistake that Poland simply cannot afford.