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OIA-2020-3872

10 September 2020

Shane Gibson

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Dear Mr Gibson

I refer to your request of 7 July 2020, under the Official Information Act 1982 (OIA), for *copies of all Memorandum Of Understanding (MOU's) signed in the last five years related to the sharing of data to organisations outside your organisation.*

The details of information sharing agreements with the militaries of other nations are withheld in accordance with section 6(a) of the OIA, where the release of this information would likely prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.

No MoUs between the New Zealand Defence Force and other organisations have been identified which relate specifically to information sharing. Existing MoUs within the scope of your request do, however, include information sharing provisions. Relevant sections relating to the sharing of information are provided below:

1. **Memorandum of Understanding between WorkSafe New Zealand and The New Zealand Defence Force – 30 May 2019**

DISCLOSURE OF INFORMATION

The Participants will consider developing and implementing strategies to share information, including classified information, subject to legislative requirements (such as the Privacy Act 1993, Official Information Act 1982 and Criminal Disclosure Act 2008) and government policies (such as the Protective Security Requirements 2014), to improve cooperation on all matters of mutual interest.

The Participants acknowledge that:

- a. certain information may be withheld by the NZDF under the Armed Forces Discipline Act 1971; and
- b. WorkSafe staff, within security constraints, may have access to information, including classified information, which is otherwise not to be disclosed without written authority from the Chief of Defence Force.

If either Participant received a Privacy Act or Official Information Act request in respect of this MOU or any activity undertaken pursuant to it, they will consult with the other Participant as to the appropriate response. The receiving Participant will give due consideration to the law and the other Participant's views in making this decision.

and

DEFINITIONS

Areas of Common Interest mean those matters where each Participant contributes to a shared outcome or has a shared role or interest. These include the administration by each Participant of applicable legislation to ensure a whole of government approach to regulation in each Participant's respective sectors, such as:

- a. sharing information relating to work health and safety;

2. Operational Service Agreement between the New Zealand Defence Force and Fire Emergency New Zealand – May 2018

Sharing of Information

The NZDF and Fire and Emergency will consider developing and implementing strategies to share information, including classified information, subject to legislative requirements (such as the Privacy Act 1993) and government policies (such as the Government Protective Security Requirements) to improve cooperation on all matters of mutual interest.

If either participant receives a Privacy Act 1993 or Official Information Act 1982 request in respect of this OSA or any activity undertaken pursuant to it, they will consult with the other participant as to the appropriate response. The receiving participant will be responsible for making the final decision on release, but will give due consideration to the other participant's views in making this decision.

3. Memorandum of Understanding between the New Zealand Defence Force and the Civil Aviation Authority of New Zealand – 20 October 2017

Sharing of Information

NZDF and CAA will consider developing and implementing strategies to share information, including classified information, subject to legislative requirements (such as the Privacy Act 1993) and government policies (such as the Protective Security Requirements 2014), to improve cooperation on all matters of mutual interest.

If either party receives a Privacy Act 1993 or Official Information Act 1982 request in respect of this MOU or any activity undertaken pursuant to it, they will consult with the other Party as to the appropriate response. The receiving participant will be responsible for making the final decision on release, but will give due consideration to the other Party's views in making this decision.

4. Memorandum of Understanding between the New Zealand Defence Force and the Department of Corrections – 23 January 2015

SHARING OF INFORMATION

NZDF and Corrections will seek to develop strategies to share information to improve cooperation on all matters of mutual interest. This is subject to legislative requirements, such as the Privacy Act 1993.

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review this response to your request.

Yours sincerely



AJ WOODS
Air Commodore
Chief of Staff HQNZDF