



## BRIEFING

### Google indemnity notification to support the Emergency Caller Location Information (ECLI) Service

<b>Date:</b>	18 January 2022	<b>Priority:</b>	Medium
<b>Security classification:</b>	In Confidence	<b>Tracking number:</b>	2122-2355

Action sought		
	Action sought	Deadline
Hon Stuart Nash <b>Minister for Economic and Regional Development</b>	<p><b>Note</b> the Ministry of Business, Innovation and Employment has entered into a new zero fees Agreement with Google LLC (<b>Google</b>) for the continued use of Google's Android Emergency Location Services (<b>ELS</b>).</p> <p><b>Note</b> the Ministry has granted an indemnity in favour of Google and that the same indemnity has already been given under the original agreement, with identical wording.</p> <p><b>Agree</b> to the recommendations regarding the next steps in your role of Minister for Economic and Regional Development.</p>	28 January 2022
Hon Dr David Clark <b>Minister for the Digital Economy and Communications</b>	<p><b>Note</b> the Ministry of Business, Innovation and Employment has entered into a new zero fees Agreement with Google LLC (<b>Google</b>) for the continued use of Google's Android Emergency Location Services (<b>ELS</b>).</p> <p><b>Note</b> the Ministry has granted an indemnity in favour of Google and that the same indemnity has already been given under the original agreement, with identical wording.</p>	28 January 2022

Contact for telephone discussion (if required)			
Name	Position	Telephone	1st contact
Phil Parker	ECLI Director		s9(2)(a) ✓

James Hartley	General Manager, Digital, Communications and Transformation	04 460 1396	s9(2)(a)	
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**The following departments/agencies have been consulted**

Treasury

**Minister's office to complete:**

- |                                               |                                              |
|-----------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> Approved             | <input type="checkbox"/> Declined            |
| <input type="checkbox"/> Noted                | <input type="checkbox"/> Needs change        |
| <input type="checkbox"/> Seen                 | <input type="checkbox"/> Overtaken by Events |
| <input type="checkbox"/> See Minister's Notes | <input type="checkbox"/> Withdrawn           |

**Comments**

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# BRIEFING

## Google indemnity notification to support the Emergency Caller Location Information (ECLI) Service

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### Purpose

As required by legislation, this briefing notifies you that the Ministry of Business, Innovation and Employment (the **Ministry**), in accordance to Section 65ZE of the Public Finance Act 1989 (the **Act**) has entered into a new zero fees agreement with Google LLC (**Google**) which includes obligations to indemnify Google. The Ministry requests that you present a statement to the House Office of the House of Representatives (the **House**) in this respect.

### Executive summary

The Ministry has entered into a new zero fees agreement with Google to enable the Emergency Caller Location Information (**ECLI**) service to continue using Google's Android Emergency Location Services (**ELS**) as a highly accurate method of determining the location of 111 mobile callers.

The ECLI service provides emergency services with the best available mobile caller location when a person calls 111 on their smartphone. The ECLI service relies on ELS as one of its primary sources of high accuracy ECLI data, s9(2)(b)(ii)

The ability of the ECLI service to provide high precision location information for emergency callers who use Android smartphones would be substantially reduced without use of the ELS. sections 9(2)(b)(ii), 9(2)(ba)(i), 9(2)(ba)(ii), 9(2)(d), 9(2)(i), 9(2)(j) and 9(2)(k)

In the same way as the existing ELS agreement, the new Agreement requires the Ministry to grant an indemnity in favour of Google.

Following the indemnity being provided to Google, the next steps in the process to recognise the indemnity, noting the actions required from you, are:

- The Minister's office provides the House Office with 5 printed copies and a PDF of the signed statement, attached to an email advising your approval for its presentation to the House;
- The House Office presents the statement as a non-parliamentary paper; and
- The House Office publishes the statement on the Parliament website.

### Recommended action

The Ministry of Business, Innovation and Employment recommends that you:

- a **Note** that in accordance with Section 65ZE of the Act and Regulation 4(f) of the Public Finance (Departmental Guarantees and Indemnities) Regulations 2007 (the **Regulations**)

that the Ministry has now entered into an Agreement with Google which includes obligations to indemnify Google in respect of certain actions.

*Noted*

- b **Note** Regulation 5 of the Regulations requires the Ministry to notify you and the Treasury Secretary of the indemnities.

*Noted*

- c **Note** Regulation 5 of the Regulations requires the Ministry to provide you, the Responsible Minister, with a copy of the indemnities, and Section 65ZE of the Act requires the Responsible Minister to sign and present a statement to the House confirming that the indemnities have been given. This briefing includes a copy of the statement (see Annexe 1, page 8).

*Noted*

***Minister for Economic and Regional Development only***

- d **Agree** that you will approve and sign the statement (see Annex Two, page 19), and present the statement to the House.

*Agree / Disagree*

- e **Note** that the House Office will present the signed statement as a non-parliamentary paper in accordance with Section 65ZE(3) of the Act.

*Noted*

James Hartley  
**General Manager,**  
Digital, Communications  
and Transformation, MBIE

18 / 01 / 2021

Hon Stuart Nash  
**Minister for Economic  
and Regional Development**

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## Background

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1. The Ministry launched the Emergency Caller Location Information (**ECLI**) service in May 2017 to deliver Cabinet's requirement to provide emergency services with the best available mobile caller location when a person calls 111 on their smartphone. The service saves lives by decreasing the time emergency services take to accept and verify the location of 111 mobile callers and dispatch emergency services to assist.
2. The location where emergency calls originate that are made from mobile phones is determined by a combination of methods, the key one being Advanced Mobile Location (**AML**). AML is a function in smartphones that transmits the current position when a caller makes an emergency call. The smartphone detects when it is an emergency call, activates the internal positioning function (**GPS**) and automatically sends the position data to emergency services. AML provides *high accuracy* location information, pinpointing the caller's location to within a radius of 50 metres.
3. AML is an open standard supported on Android and Apple devices. Google developed its Android Emergency Location Services (**ELS**) capability to provide AML-compliant locations for Android devices. Google states that ELS is supported by over 99% of existing Android devices (version 4.1 and upwards).
4. The ECLI service relies on ELS as one of its primary sources of high accuracy ECLI data, s9(2)(b)(ii)  
Continued use of ELS will enable the ECLI service to reliably determine and deliver high accuracy location for a high percentage of emergency calls. Between January and November 2021, an average of 95,756 genuine emergency calls were made per month, with high accuracy locations generated for an average of 85.71% of these calls.
5. The Ministry and Google entered into a zero fees agreement in November 2017 for the use of ELS for a two-year term with automatic renewal for one additional two-year terms expiring 5 November 2021.
6. The Ministry and Google completed negotiations for the replacement Agreement prior to expiry of the original agreement. Google further agreed to extend the term of the original agreement until 5 May 2022 to allow time for the Ministry to complete due process to ratify the new Agreement, under which the Ministry provides an uncapped indemnity.
7. The Ministry and Google now have a new Agreement to secure the continued use of ELS with enhanced services. The new Agreement supersedes the previous agreement and amendment. A signed copy of the Agreement is annexed to this briefing.

## The Agreement

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8. The parties to the Agreement are the Ministry and Google, a subsidiary of the holding company Alphabet Inc. Google is a global technology company specialising in internet-related services and products. It is primarily focused on web-based search and display advertising tools, search engine functions, cloud computing and software.
9. The new Agreement enables the Ministry to continue using the ELS service offered by Google. The ability of the ECLI service to provide high precision location information for emergency callers who use Android smartphones would be substantially reduced without use of the ELS.

10. The new Agreement offers an enhanced version of ELS that supports AML v2.0 with additional location data fields such as altitude, location time relative to the time of the emergency call, and more location positioning methods. The extended data set would allow the ECLI service to explore opportunities to improve location information provided to emergency services, for example the ability to derive not only the location of an emergency, but the actual floor of the emergency in a multi-storey building.

11. *sections 9(2)(b)(ii), 9(2)(ba)(i), 9(2)(ba)(ii), 9(2)(d), 9(2)(i), 9(2)(j) and 9(2)(k)*  
The same indemnity has already been given under the original agreement of 2017, which this agreement replaces. The wording of the indemnity in the new agreement is identical to the wording of the indemnity in the original agreement.

12. Treasury guidance to departments states that an attempt to remove an indemnity from agreements should be made prior to giving the indemnity.

13. *sections 9(2)(b)(ii), 9(2)(ba)(i), 9(2)(ba)(ii), 9(2)(d), 9(2)(i), 9(2)(j) and 9(2)(k)*

14.

15.

16.

17. In accordance with Regulation 5 of the Regulations, the Treasury Secretary has been given notice (and a copy) of the indemnity.

### **Google indemnity**

*sections 9(2)(b)(ii), 9(2)(ba)(i), 9(2)(ba)(ii), 9(2)(d), 9(2)(i), 9(2)(j) and 9(2)(k)*

### **Necessary or Expedient in the Public Interest**

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19. The Act restricts the ability of any person to provide an indemnity/guarantee on behalf of the Crown. Section 65ZE(1) of the Act states that a department may (on behalf of the Crown) give an indemnity or guarantee if it appears to the department to be “necessary or expedient in the public interest” to do so.
20. It is clearly in the public interest to maintain the ECLI service as it helps to save lives. Since its launch in May 2017, emergency services providers have achieved faster emergency call handling and more effective emergency response times. Emergency Service Providers are streamlining their call-taking procedures in order to leverage ECLI, particularly where high precision location is available.
21. ECLI is continually optimising its service to improve the yield of locations with high accuracy and precision. From September 2018 to November 2021, the ECLI service consistently delivered high accuracy and precision locations for 75% – 86% of smartphone calls to the 111 emergency services.

### **The Ministry’s Process for Providing an Indemnity**

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22. Following Treasury’s guidance for giving indemnity, the Ministry:
  - Prepared a business case outlining the terms of indemnity, the risk and mitigations;
  - Approved the business case (by the Ministry’s Chief Executive);

- Accepted Google's terms and conditions (by entering into the Agreement); and
- Notified the Treasury Secretary.

## **The Statement of Indemnity**

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23. The Ministry has prepared the following statement of indemnity for your approval prior to submission to the House Office in the Office of the Clerk of the House of Representatives. Please see Annex Two on page 19.

## **Next steps**

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24. The remaining steps to complete the process are:
- Your office (Minister for Economic and Regional Development only) to email 5 printed copies and a PDF attachment of the signed statement (annexe 2) to the House Office in the Office of the Clerk of the House of Representatives to advise that you have approved its presentation to the House;
  - You (Minister for Economic and Regional Development only) present the statement to the House; and
  - The House Office publishes the statement on the Parliament website.

## **Annexes**

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Annex One: s9(2)(b)(ii)

Annex Two: Statement of Indemnity



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## Annex Two: Statement of Indemnity

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### Statement of Indemnity given under the Public Finance Act 1989

Pursuant to section 65ZE(3) of the Public Finance Act 1989, the Minister for Economic and Regional Development makes the following statement:

On 11 January 2022 the Chief Executive of the Ministry of Business Innovation and Employment, on behalf of the Crown, gave an indemnity to Google LLC and its affiliates, directors, officers, and employees in relation to the supply of the Android Emergency Location Service by Google LLC to the Ministry of Business Innovation and Employment.

Dated at Wellington this 24<sup>th</sup> day of January 2022

Hon Stuart Nash  
Minister for Economic and Regional Development

**Extract of:**

## **Digital Economy and Communications Pūrongo Tūnga Status Report**

Prepared 31 March for the week ending 1 April 2022

**Minister:** Hon Dr David Clark, Minister for the Digital Economy and Communications

**Departments:** Te Tari Taiwhenua Department of Internal Affairs, Ministry of Business, Innovation and Employment Hikina Whakatutuki, Department of the Prime Minister and Cabinet Te Tari o te Pirimia me te Komiti Matua, and Stats NZ Tatauranga Aotearoa

**Classification:** RESTRICTED

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# Wāhanga 1: Ngā Take Matua me ngā Whakaarotau

## Section 1: Key issues and priorities

(Changes since last report in **bold**)

### Ngā Whakahounga Matua Key updates

[...]

Ngā whai whakaarotanga Considerations	Whakapā Contact
<p>Retention of ECLI funding – Budget 2022</p> <p><b>Funding to operate and maintain the Emergency Caller Location Information system sits within multi-category appropriation</b></p> <p><b>Communications: Management of Emergency Telecommunications Services MCA for financial year 2021/22. A move from service improvements to largely BAU operations means the multi-category</b></p> <p><b>appropriation structure is no longer necessary. Through the March Baseline Update, an annual appropriation has been established for financial year 2022/23 onwards.</b></p> <p>The existing appropriation includes funding for the continued delivery of the Emergency Caller Location Information System and for technical enhancements necessary to keep the service current, for example being able to function with 5G technology. A roadmap for the developments required to ensure the service keeps pace with emerging technology has been developed, however the timing of work is influenced externally by work of other parties (e.g. mobile network operators). <b>Work on the keeping pace enhancements will need to be undertaken</b> <span style="background-color: #cccccc; padding: 2px;">s9(2)(g)(i)</span> <b>but may fall into the next financial year.</b></p> <p><span style="background-color: #cccccc; padding: 2px;">s9(2)(f)(iv)</span></p>	<p>James Hartley (MBIE)</p>