



GOVERNMENT
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A1149197

21 October 2014

Mr Brett Mainwaring
fyi-request-2043-addce2e2@requests.fyi.org.nz

Dear Mr Mainwaring

I refer to your request dated 23 September 2014, in which you requested

- 1) Is the GCSB able to determine whether or not the NSA may or may not be intercepting information travelling through the Southern Cross Cable?
- 2) What information does the GCSB have to determine this?
- 3) Is there a Large Cable Access program (the same or similar to those seen in the slide) operating on New Zealand soil or intercepting communications in New Zealand waters?
- 4) Does the GCSB operate or participate in the interception of communications travelling through the Southern Cross Cable?
- 5) What information does the GCSB have to determine this?
- 6) Are any CNE access points in New Zealand or targeted at New Zealand computer networks, whether implanted or operated by the GCSB or any other overseas intelligence authority?
- 7) What information does the GCSB have to determine this?.

In response to your request, regarding your comments about the classification markings, these indicate to whom the information "may" be released. It does not, however, mean that this information is immediately available to or been seen by the New Zealand Government.

In response to questions 1 and 2, under the provision of section 18(e), I, decline to provide the information requested on the grounds it does not exist. The GCSB does not have access to this cable.

In response to question 3, 4 and 5, I can confirm that there is not, and never has been a cable access programme operating in New Zealand, and the GCSB does not intercept communications travelling over the Southern Cross Cable.

In response to question 6 and 7, in accordance with section 10 of the Official Information Act (the Act), I can neither confirm nor deny the existence or non-existence of the information requested at question 6. To do so would publicise the existence or non-existence of GCSB capability, prejudicing the security or defence of New Zealand or the international relations of the Government of New Zealand.

In response your final point:

"I believe there is an extraordinary public interest in the requested information, as the public's right to privacy would be severely impacted on acknowledgement of a cable interception program. It is the public's right to know whether or not any Government agency is intercepting or analysing our communications, be it for national security or any other reason."

I will reiterate statements made by myself and the Prime Minister, by stating that there is not, and never has been, mass surveillance of New Zealanders undertaken by the GCSB.

In accordance with section 19 of the Act, you have the right, by way of complaint under section 28(3) to an Ombudsman, to seek an investigation and review of the refusal.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'I.F.', with a long, wavy horizontal line extending to the right.

Ian Fletcher
Director