



19 June 2023

Ref: DOIA 2223-2391

Adam Irish

Email: fyi-request-22511-94ab1ba0@requests.fyi.org.nz

Tēnā koe Adam Irish

Thank you for your email of 20 May 2023 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

I am writing to request information under the Official Information Act 1982 information about the procurement policies and advice provided to the New Zealand government regarding cameras made by Hikvision and Dahua.

In particular, I would like to request any information, reports, or advice provided by the Ministry of Business, Innovation and Employment (MBIE) to the New Zealand government regarding the procurement of cameras made by Hikvision and Dahua. Specifically, I would like to request the following information:

- *Any policies, guidelines, or procedures developed by MBIE regarding the procurement of cameras made by Hikvision and Dahua;*
- *Any advice, assessments, or recommendations provided by MBIE to the New Zealand government regarding the procurement of cameras made by Hikvision and Dahua;*
- *Any communications or engagement that MBIE has had with the Chinese government or Hikvision and Dahua regarding the procurement of cameras made by these companies;*
- *Any information regarding the steps that the New Zealand government has taken or plans to take to ensure that cameras procured from Hikvision and Dahua do not pose a potential security risk.*

On the first and fourth parts of your request, MBIE has not developed any policies, guidelines, or procedures regarding the procurement of cameras made by Hikvision and Dahua and has no information regarding steps that the New Zealand Government has taken or plans to take to ensure that cameras procured from Hikvision and Dahua do not pose a potential security risk. MBIE is therefore refusing the first and fourth parts of your request under section 18(e) of the Act - the documents alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

On the second part of your request, we have searched for information related to advice or recommendations provided by MBIE to the New Zealand Government regarding the procurement of cameras made by Hikvision and Dahua. While these manufacturers are mentioned in a small number of documents that fit this description, they are mentioned only as case studies or examples. These documents do not constitute advice or recommendations about the procurement of cameras made by these companies, and we have considered them out of scope of your request. Therefore, we must refuse the second part of your request under section 18(e) of the Act - the documents alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

Managing national security risks is an area of concern for the Government and New Zealand Government Procurement (NZGP) has been working with the Department of Prime Minister and Cabinet (DPMC) on this matter. Guidance for agencies on assessing national security risks in procurement will be released later this year.

Each government agency is required to conduct its own due diligence, which may include security risks as relevant, before deciding on which supplier it chooses and/or product it procures. The agency will need to take into account the level of risk it is willing and/or able to manage, as well as considerations about the product, type of purchase and its intended use.

For the remainder of your request, MBIE has identified two documents in scope. One document is a briefing note titled, *RNZ article regarding MBIE's procurement of Hikvision equipment*. In our view, it would have been necessary under section 14 of the Act to transfer your request for this document to the Ministry of Foreign Affairs (MFAT) because it is more closely connected with its functions. However, we are aware that you have already made your request to MFAT, and therefore we have not transferred it.

The other document in scope is a summary of a meeting between Karen English, Director of International Procurement and Trade at MBIE, and Mr Chen Zhiang, Minister-Counsellor at the Embassy of the People's Republic of China. We have withheld this document in full under the following sections of the Act:

- 6(a) making available of that information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; and

- 6(b)(i) making available of that information would be likely to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country or any agency of such a Government.

MBIE treats all suppliers equally and fairly in accordance with New Zealand's international trade obligations and New Zealand Government Procurement Principles, Charter, and Rules. These provide a framework that helps everyone involved in the procurement process act with integrity and make decisions that are responsible and lawful.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact OIA@mbie.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Richard Lee
Policy Manager New Zealand Government Procurement
Building, Resources and Markets