



Ref: AFS 15/391

17 February 2015

Dillon Pentz  
C/- fyi-request-2414-997a8e12@requests.fyi.org.nz

Dear Mr Pentz

**Re: Request for Information regarding TICSA Exemptions**

I write in reply to your Official Information Act request dated 17 January 2015 received via email in which you sought the following:

- I would like to request, under the Official Information Act, a list of telecommunications companies that have been made exempt from the Telecommunications (Interception Capability and Security) Bill, by designated officers, appointed by the Commissioner of Police, and the reasons for those exemptions.

The Bill you refer to has since been passed and is now called the Telecommunications (Interception Capability and Security) Act 2013. One of the main purposes of that Act, in relation to interception capability, is 'to ensure that surveillance agencies are able to effectively carry out the lawful interception of telecommunications under an interception warrant or any other lawful interception authority' – see s4.

Any network operator can apply to a 'designated officer' (managed by Police) for an exemption for any of their obligations under the Act. A list of publicly available network operators can be found on the internet at: <http://www.med.govt.nz/sectors-industries/technology-communication/communications/telecommunication-network-operators>

In regard to your specific question, Police on behalf of all surveillance agencies refuses to provide any information that would identify the names of New Zealand telecommunications companies who have sought exemptions, the nature of those exemptions and whether any were granted or not.

Publicly providing this information would only serve to identify any potential vulnerabilities in the network which could then be exploited by criminals or others intent on harming the national security or interests of New Zealand. Providing such information would have serious detrimental consequences to New Zealand.

Therefore your request is refused pursuant to s6(a) of the Official Information Act because to release such information would prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; and pursuant to s6(c) because it would prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

If you are not satisfied with the response to your request, you have the right to refer the matter to the Office of the Ombudsmen.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R T Drew', is written over a large, faint, circular stamp or watermark.

R T Drew  
Detective Superintendent  
National Manager  
National Criminal Investigations Group