



**Te Pā Whakamarumarū**  
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22 August 2024

Scott

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Tēnā koe Scott

### **Official information request**

Thank you for your Official Information Act 1982 (OIA) request of 16 May 2024 to the New Zealand Security Intelligence Service (NZSIS) seeking information about our declassification programme.

You were advised on 11 June 2024 that the time limit for responding to your request had been extended to 12 July 2024 because the consultations necessary to make a decision on your request were such that a proper response could not reasonably be made within the original time limit. We provided you with our decision on your request on that date.

### **Response**

In considering my response to your request, I have had regard to the following provisions of the OIA as applicable:

- Section 6(a), where making the information available would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand
- Section 6(b)(i), where the making available of the 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
- Section 9(2)(a), where withholding information is necessary to protect the privacy of natural persons, including that of deceased natural persons
- Section 9(2)(h), where withholding information is necessary to maintain legal professional privilege, and
- Section 18(d), where the information will soon be publicly available.

Where official information has been withheld under section 9 of the OIA, I do not consider that the need to withhold this information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.

Where information is marked as soon to be made publicly available under section 18(d), we will let you know when the information is published.

My responses to your questions are as follows.

**Q1 The NZSIS Declassification Policy and Q2 the NZSIS Declassification Criteria**

I am refusing your request for the Declassification Policy, which contains information about the declassification criteria, under section 18(d) of the OIA as the information will soon be publicly available.

**Q3 The NZSIS Declassification Governance Framework**

Information in scope of Q3 of your request concerning the governance framework is contained in the Declassification Policy (refused under s18(d)) and the Terms of Reference (see the response to Q8).

**Q4 For the 18-month proof of concept declassification pilot that ended June 2023, I would like to request whatever report was produced as an outcome of this pilot**

There is no specific report that addresses the outcome of the pilot, however please find attached the document *Information Management Update and recommendation for the future of the Declassification Project*, dated 5 October 2022. This document contains information about the pilot.

Some information has been withheld as it is out of scope of your request.

Other information has been withheld under sections 6(a) and 9(2)(a) of the OIA.

**Q5 The Business Case for the NZSIS Declassification Program that began June 2023**

There is no specific business case for the declassification programme that began in June 2023, however information relevant to this part of your request is contained in the document provided in response to Q4. (To clarify, a business case was prepared for the declassification pilot in 2020. This document can be considered for release upon request.)

**Q6 The sections of the Capability Directorate Annual Business Plans for 2023 and 2024 that deal with the Declassification Program (which I understand falls within this directorate)**

The section of the Capability Directorate Annual Business Plans for 2023/2024 that relates to the Declassification programme is as follows:

Build public trust and confidence in NZSIS use and management of data and information (DDI)	<ol style="list-style-type: none"><li>1. Successful implementation of the declassification programme<ol style="list-style-type: none"><li>a. Declassification approach explained / published externally</li><li>b. One proactive public release of declassified files published via NZSIS website and publicised through Comms team</li></ol></li></ol>
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**Q7 For the PSR Self-Assessment Reports completed by NZSIS in 2023 and in 2024, the answers supplied by NZSIS for the questions related to the 2022 NZ Classification System Policy update (including any written responses and documents included as attachments in answers to these questions)**

The answers to the 2023/24 PSR Self-Assessment Report questions related to the updated 2022 NZ Classification System Policy update are:

Are your internal policies and procedures updated to reflect the 2022 changes in the Classification System policy?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> In Progress	<input type="checkbox"/> No
What date have you planned for full implementation?	2024/25		
Have you adopted the Classification training modules for your agency or incorporated the refreshed guidance into your existing security training programme?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Do you have a Declassification programme?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> In Progress	<input type="checkbox"/> No

Please outline what your agency's next steps are for embedding the Classification System policy:

- (R) There has been some work to progress embedding policies and processes, but the focus has been on training programme in the first instance. [Withheld s6(a)] ... this will be progressed in 2024/25.
- (R) There is currently a NZSIS declassification programme, [withheld s6(a)]. The GCSB are in the process of developing policy.

**Q8 The membership list (name, agency/organisation and job title) and terms of reference for the Declassification Panel, and any reports and minutes produced by this group**

I am refusing your request for the names of the Declassification Panel under section 6(a) of the OIA. Members are, however, all NZSIS staff.

Please find attached the Terms of Reference for the Declassification Panel (which contains information about job titles) and reports and minutes produced by the Declassification Panel.

Some information has been withheld under sections 6(a), 6(b)(i), 9(2)(a) and 9(2)(h); and seven pages have been withheld in full under 18(d) of the OIA.

**Review**

If you would like to discuss this decision with us, please feel free to contact [uia.privacy@nzsis.govt.nz](mailto:uia.privacy@nzsis.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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Ngā mihi



**Andrew Hampton**

Te Tumu Whakarae mō Te Pā Whakamarumaruru  
Director-General of Security



New Zealand Security Intelligence Service  
Te Pā Whakamarumaru

## Submission to SLT

**Date** 5 October 2022

**From** s6(a) Capability

**Subject** NZSIS Historical Records Update and Recommendations

**For your** Decision

**Authorised by** s6(a) Deputy Director-General, Capability

## Information Management Update and recommendation for the future of the Declassification Project

### Purpose

1. This document updates SLT on key Information Management (IM) work completed and seeks an SLT decision on the future of the Declassification of Historical Records Proof of Concept.

### Information Management General Update

2. s6(a)
  - s6(a) Since being stood up, the following work has been completed delivering essential NZSIS foundations:
    - a. Out of scope
    - b. Out of scope
    - c. Development of the Declassification Policy, supporting processes and Declassification Panel.
    - d. Out of scope
    - e. Out of scope

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<sup>1</sup> s6(a)

- f. Out of scope [Redacted]
- g. Out of scope [Redacted]
- h. Out of scope [Redacted]

### Historical Records Initiative

3. The Historical Records Initiative was approved by SLT in December 2020. [Redacted] and the establishment of a systematic declassification pilot for of our historical records. Of note, this work also sets the foundation for a 75<sup>th</sup> Anniversary NZSIS History should SLT wish to pursue this.
4. Three steps were identified and an update on each is provided in the table below:

Step	Update
Out of scope [Redacted]	[Redacted]
3) Establish an 18 month pilot to declassify high-value topic-based physical records, facilitate their broader access; and inform a decision on whether to establish on ongoing declassification	<ul style="list-style-type: none"> <li>▪ <del>s6(a)</del> Declassification Officers and 1x part-time admin support recruited.</li> <li>▪ Policy framework approved.</li> <li>▪ Declassification Panel established.</li> <li>▪ 6 x former Police registers declassified.</li> <li>▪ 6 x early NZSIS files documenting the establishment of the NZSIS are currently being declassified.</li> </ul>

Out of scope [Redacted]

programme.	<ul style="list-style-type: none"> <li>▪ Process slowed by manual paper based process – technology solution under development.</li> </ul>
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5. The intent of the 18 month timeframe (July 2021-December 2022) was to understand how long it takes to declassify large quantities of historical records and the steps to achieve this. This was to inform a decision on whether to establish an ongoing declassification work programme and with what resources. General delays in recruiting to find the right mix of skills and <sup>s6(a)</sup> experience have meant an insufficient number of records have been declassified to provide credible time estimates at this time.

**What we know already**

6. **Whether to establish a permanent Declassification Programme.** The benefits identified in the Declassification Programme business case remain valid and are achievable. They include:

- a. Increased discoverability of high value records to support ongoing business and archival purposes.
- b. Improved efficiency by reducing the time required to answer historical, OIA, Privacy Act and research requests (as many requested records will already be declassified).
- c. Reputational benefits with the general public, the Minister, media and researchers by promoting NZSIS history and traditions, demonstrating transparency and publicity resulting from regular releases of historical information of wide public interest.
- d. Improved compliance with Public Records Act (PRA) requirements and improved PRA recordkeeping audit results.

7. **Resourcing Requirement.** Initially, we thought understanding how long records take to declassify, would give us an approximation of FTE requirements. However, the ‘average time basis’ is unhelpful as it simply indicates how much could be achieved over a specific period. With over ten-thousand paper records available for declassification, a priority approach of high value and high public interest is now in place.

8. To date, we have seen the benefits of using <sup>s6(a)</sup> <sup>s6(a)</sup> they test, challenge and explore numerous ideas around acceptability, public interest, judgement and precedence and mitigate the risks associated with a single point of failure and personal bias. We also know that <sup>s6(a)</sup> roles better balance the concentrated nature of the work with delivering measurable results

9. **Nationally significant records.** NZSIS holds more historical information than previously known. For example it includes information seized from <sup>s18(d)</sup> <sup>s18(d)</sup> and communist sympathisers prior to World War 2. Declassifying these types of records will give a more historically balanced view of New Zealand’s surveillance and intelligence activities at crucial points in New Zealand’s history.

10. **Modernising declassification.** The current paper based declassification process is cumbersome, inefficient and unfit for purpose in a digital context. Transitioning from a

multiple copy paper record system to creating digital declassified records is more versatile and accessible to vastly wider audiences including supporting OIA requests<sup>3</sup>.

11. **Wider Application of Declassification.** The current team support OIA requests which involve historical records. Declassification work has additional benefits for the OIA requests process by pro-actively declassifying high interest historical records likely to be subject of future OIA requests.
12. **Comment.** Given what we know now, it is felt that little more information will become available to better assist SLT in making a decision on the future of the Declassification Programme. This paper provides SLT the opportunity to make a decision now, or wait until the programme finishes in December 2022.

**Where to from here - options for the way forward**

13. The options available to SLT are summarised below with a detailed side by side comparison provided at **Annex A**:
  - a. **Option 1.** Defer a decision until the programme ends in December 2022. The December timeframe may clarify resource needs, but this is unlikely. Agreeing to establish a permanent programme at that stage will require funding to cover the existing staff for six-months while a formal recruiting process is undertaken. This option impacts existing staff certainty post December 2022. Given its unlikely better resource information will become available, this option is not recommended.
  - b. **Option 2.** Establish a permanent Declassification Programme now based on s6(a) [redacted] s6(a) [redacted] Given what we know already, and to meet RCOI Recommendation 9 and IGIS recommendations, there is sufficient knowledge and impetus to establish a permanent programme at this time at current resourcing levels noting the impact of the immediate increase to personnel baseline/spend and future remuneration impact. This is our recommended option.
  - c. **Option 3.** Decide now to cease the Declassification Programme in December 2022. This option is not recommended.

**Recommendation**

14. It is recommended that you:

1	Approve	Option 2: Establish a permanent Declassification Programme s6(a) [redacted] s6(a) [redacted]	Yes / No
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s6(a) [redacted] Deputy Director-General, Capability

<sup>3</sup> The purchase of a specialist digital scanner will simplify the creation of digital documents from paper originals. This technology is also applicable to the current OIA process.

**Annex A: Declassification Programme Option Comparison**

Option 1: Delay the decision until December 2022	Option 2: Establish a permanent Declassification Programme now	Option 3: Decide now to cease the Declassification proof of concept in December 2022.
<p>Continues the Declassification Programme through to December 2022 with SLT making a decision at that time.</p> <p>Should the programme be discontinued, FTA contracts would be concluded.</p> <p>Should SLT agree to permanent establishment in December 2022, funding is required to maintain the programme for six-months while recruiting takes place.</p> <p>If this option is selected, a final declassification programme recommendation report will be submitted in December 2022 for SLT decision.</p>	<p>This option proposes establishing a permanent baselined declassification function based on current staffing starting from SLT approval date (unless otherwise directed e.g. subject to funding investigation etc.).</p> <p>There is no convincing reason to delay a decision based on gathering further resource requirement information.</p>	<p>Decide now to end the declassification proof of concept in December 2022<sup>4</sup> and existing staff contracts ended.</p>
<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>▪ Allows more time for resourcing or other environmental information (i.e. change in any circumstances) to come to light which may better inform decision makers.</li> <li>▪ If approved in December – gives six-months funding certainty for the programme to continue while a formal recruiting process is undertaken.</li> <li>▪ Some planned groups of high public interest records will continue to be declassified until December.</li> </ul> <p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>▪ Delays a decision opportunity when it is unlikely any further meaningful information would come to light to aid a decision.</li> <li>▪ Creates an ‘uncertain space’ whether to:                             <ul style="list-style-type: none"> <li>○ prepare for recruiting.</li> <li>○ set policy and SOP’s.</li> <li>○ discontinue the Declassification Panel.</li> <li>○ take on new work that might extend beyond Dec 22.</li> <li>○ continue engagement with NZ Police on NZSIS historical records regarding Police Special Branch.</li> <li>○ continue Archives engagement.</li> </ul> </li> <li>▪ More complicated records for declassification will not be started until a decision is made in December.</li> </ul>	<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>▪ Creates immediate certainty for a declassification programme and recruiting requirements.</li> <li>▪ Will continue to deliver business case benefits (refer para 6.).</li> <li>▪ Ongoing reputational benefits of having an established declassification programme will increase public and other interest in NZSIS.</li> <li>▪ Ongoing increased transparency as declassified records may be published on the NZSIS website (or Archives website subject to longer term arrangements).</li> <li>▪ Meets IGIS and Royal Commission of Inquiry recommendations<sup>5</sup>.</li> <li>▪ Maintains continuity and learnings from the proof of concept stage.</li> </ul> <p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>▪ <del>sg(a)</del></li> <li>▪ In time will require allocating a discrete workspace for declassification processing (often multiple records need to be viewed at the same time). Needs to be considered as part of future accommodation planning.</li> <li>▪ Ongoing declassification will require large and ongoing digital storage.</li> <li>▪ Requires procurement of a specialist scanner to simplify and speed up the declassification process (this scanner can also be used by OIA staff).</li> </ul>	<p><b>Advantages</b></p> <ul style="list-style-type: none"> <li>▪ No ongoing cost commitment.</li> <li>▪ Acknowledges NZSIS priorities <del>sg(a)</del></li> <li>▪ Knowledge learned to this point can be captured and used at a later date should establishing the programme be reconsidered.</li> </ul> <p><b>Disadvantages</b></p> <ul style="list-style-type: none"> <li>▪ Is inconsistent in meeting both the IGIS recommendation and RCOI recommendation 9 to commence topic based declassification of historical records.</li> <li>▪ Will not achieve the benefits outlined in the Historical Records business case (refer para 6).</li> <li>▪ Though knowledge learned to this point can be captured, experience and learned ‘judgement’ will be lost. New staff with different experiences/skills will need to be trained, losing time and momentum in rebuilding.</li> </ul>

<sup>4</sup> ~~sg(2)(a)~~

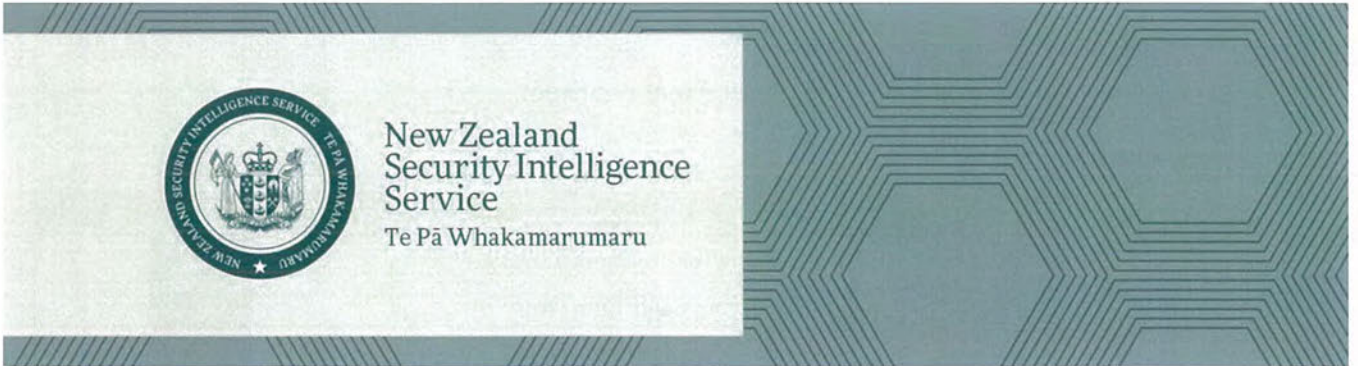
<sup>5</sup> Both the 2018 IGIS report into the NZ Classification System and RCOI recommendation 9 contained similar recommendations to commence topic based declassification of historical records.



ACG: NZSIS

Cost (if approved in Dec 22 for 6 months)		Ongoing costs (Permanent Establishment)			No additional costs post December 2022.
Resource requirement	Sept - June 2023	Resource requirement	Sept - June 2023	Per financial Year	
s6(a)	s6(a)	s6(a)	s6(a)		
Purchase of specialist scanner (CAPEX)		Purchase of specialist digital scanner (CAPEX)			
Contingencies		Contingencies			
<b>TOTAL</b>		<b>TOTAL</b>			
Not Recommended		<b>Recommended</b>			Not Recommended

s6(a)



## NZSIS Archives Declassification

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### Declassification Panel Terms of Reference

Approved September 2021

*Document Control Information*

Any changes will be issued as a complete replacement document.

*Version History*

Version	Release Date	Description	Prepared By
1.0	30 June 2021	Initial document for preliminary consultation	s6(a)
1.2	20 July 2021	Incorporating comments from Legal	
	September 2021	Approved by acting Director-General	

*Distribution List*

Name	Title	Responsibility
Declassification workshop participants	various	Review
s6(a)	Archives Advisor	Review
s6(a)	Director Capability	Review

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**1. Overview**

The following terms of reference (TOR) outline the purpose and constitution of the NZSIS Archives Declassification Panel as referenced in the NZSIS Archives Declassification Policy.

**2. Related documents**

The following lists documents that relate to these TOR and may help further understanding:

Document Name	Version	Date	Author	Location
NZSIS Archives Declassification Policy			s6(a)	s6(a)

### 3. Purpose

This document establishes the roles and functions for the NZSIS Archives Declassification Panel (the 'Panel'). The Panel is responsible for providing the Director-General assurance that the declassification process is conducted in a way that appropriately balances the NZSIS's objective of achieving greater transparency and accountability for historical decisions and actions whilst ensuring that NZSIS operational imperatives are recognised and operational techniques and capabilities are protected.

### 4. Declassification Panel Responsibility

The Panel's responsibilities are:

**To approve declassification recommendations:** submitted by Declassification Officers for public release by reviewing recommendations to ensure they are consistent with the declassification criteria contained in the NZSIS Declassification Policy and against established precedent. Approvals will be made on the basis of a delegation from the Director General.

**To establish declassification precedents:** review recommendations to establish precedents to release or not release information identified by Declassification Officers for consideration by (1) approving a recommendation as an established precedent or (2) where the Panel determines that a significant precedent is proposed, make a recommendation to the Director-General whether to approve a recommendation as a precedent. A significant precedent may involve where release of information is potentially controversial, high profile or likely to have political implications (e.g. adverse implications for international relationships). All precedents will be recorded in a precedent's register.

**To act as a conduit for wider engagement within the NZSIS:** where appropriate, to seek specialist advice within the NZSIS to inform declassification discussions and decision-making and to be an advocate for the declassification initiative.

**To be a trusted advisor to the Director-General on declassification issues:** this includes bringing to the attention of the Director-General, strategic and political issues arising from the declassification process and work programme and make recommendations where there is doubt about changing a classification level.

**To provide oversight of the declassification project:** the Panel will review and endorse all substantial changes to policies and procedures relating to declassification of NZSIS archives prior to submission to the Director-General.

### 5. Role of Declassification Panel Members

It is intended that the Panel utilise the experiences, expertise, and insight of key individuals from within the NZSIS to support the Declassification initiative.

Members will provide guidance, facilitate wider engagement, make decisions and when required, make recommendations to the Director-General. Members need a clear understanding of the purposes of declassification, the objectives of the 18 month pilot and key issues and risks relating to declassification. Each member is responsible for attending Panel meetings regularly.

The Panel will operate on a consensus basis, Where there is a substantial disagreement within the Panel about a decision to release or not release information or about a qualified release (e.g. where there is consideration for redaction of information) the issue will be referred to the Director-General for resolution.

The Chair can invite additional attendees as subject matter experts when required.

**6. General**

The Panel shall be comprised of:

**6.1. Membership**

Title/role	Project Accountability
Director Capability	Chair
Knowledge Manager	Standing Member
Security Services	Standing Member
Archive Programme Advisor	Standing Member
Information Manager	Standing Member (and Secretary)
Senior Advisor Ministerial Services/OIA	Standing Member
Operational Advisor	Standing Member
HUMINT Manager	Standing Member
Communications representative	Standing Member
Various	Subject matter experts

**6.2. Chair**

The Chair shall convene the Panel’s meetings, approve agendas and confirm meeting minutes.

If the designated Chair is not available, the Chair will nominate another Standing Member as acting Chair and will be responsible for convening and conducting that meeting. The acting Chair is responsible for informing the Chair about key points discussed and decisions agreed to at that meeting.

**6.3. Meetings and Attendance**

The Panel will meet six-monthly or as required by the Chair.

The Secretary will arrange meetings, distribute agendas and papers, record minutes and ensure that all issues and decisions are communicated.

All attendees unable to attend a meeting should provide apologies to the Secretary at least 48 hours prior to the meeting.

The papers distributed to Panel meetings in advance of the meeting will be taken as read before the meeting commences.

**6.4. Agenda Items**

All agenda items should be forwarded to the Chair at least 5 working days prior to the next scheduled meeting.

The standing items of the meetings will be as follows:

- Minutes of last meeting (actions)
- General progress update on the declassification initiative (verbal or written)
- Review of Declassification report (including specific issues for decision or recommendation)
- Any other business
- Actions arising

#### 6.5. Delegates and Attendees

Panel members shall nominate a delegate to attend a meeting if the member is unavailable to attend.

The Chair will be notified of the substitution at least 3 working days prior to the scheduled meeting.

In addition to standing members, the Chair can nominate additional attendees such as subject matter experts as required to address specific declassification issues. Staff conducting declassification will usually attend meetings to outline the rationale for declassification recommendations.

#### 6.6. Quorum Requirements

Any given meeting of the Panel must include the Chair (or acting Chair) and at least 3 standing members of the Panel or their nominees.

#### 6.7. Minutes and Meeting Papers

Meeting minutes will be taken by the Secretary, reviewed by the Chair and distributed to Panel members. Draft minutes will generally be distributed to members within 5 days working days of each meeting.

The Secretary will distribute an agenda and meeting papers at least 3 working days prior to the next meeting.



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## Archives Declassification Panel Minutes

Date 8 August 2022

Venue PHOP s6(a)

Time 9.30-10.30am

Attendees s6(a)  
s6(a)

Apologies none

**Welcome, Apologies and Introductions:** s6(a) welcomed the members to the inaugural Panel meeting and made introductions.

s6(a) explained that the purpose of this initial meeting is to introduce members to the Declassification initiative, introduce key documents and answer any questions arising.

The first full meeting will be arranged for late September or early October and while the ToR propose six monthly meetings, more regular meetings may be required during the establishment phase of the initiative.

### Item 1: Introduce Declassification Panel ToR

s6(a) explained that an 18 month pilot declassification project was established in December 2020 as a part of a larger work programme to improve the management and accessibility of NZSIS's historical records.

The purpose of the Panel is to provide assurance to the Director-General that the declassification recommendations made by the Declassification Officers reasonably balance the objective of demonstrating greater transparency with maintain appropriate protection for sensitive information.



s6(a) indicated that while the Declassification Project was initiated as a pilot, it has been since agreed that it is more of a proof of concept.

s6(a) explained that owing to delays s6(a) and limited access to PHOP due to building issues, less declassification progress has been made than initially expected. This means that in order to get sufficient data to measure the resources required to sustain an ongoing declassification work programme, more time is required. Therefore a recommendation has been drafted for SLT which includes an option to extend the proof of concept by six months (i.e. to move the end date from December 2022 to June 2023). The SLT paper is currently being finalised so a decision can be made and if approved, current work momentum can be maintained. **Postscript: this paper is due to go to SLT on 12 October.**

s6(a) explained that the ToR was developed prior to declassification commencing so it makes sense for the Panel to review the ToR after several full meetings to ensure they support and guide the work of the Declassification staff.

A point was made about the importance of declassification activities being aligned with OIA responses where possible. s6(a) explained that there was close engagement between Declassification and OIA activities with regular meetings and discussions regarding specific access requests. s6(a) emphasised the importance of precedence with declassification. Declassification staff has spent considerable time researching precedents both by reviewing available documentation and discussions with s6(a) who has led most previous declassification work. In this context, a Declassification register is being used for documenting previous precedents and new precedents identified by Declassification staff. s6(a) emphasised that new precedents and changes to existing precedents will be considered by the Panel and where appropriate, referred to the Director-General for a decision.

### Item 2: Introducing the Declassification Policy

s6(a) explained that the purpose of the Policy is to provide a framework for the Declassification work building on the foundations of the previous Archives Policy (2003). The two key part of the Policy are the principles and the declassification criteria which identify restriction periods for various lasses of records.

s6(a) explained that the Policy has undergone significant internal consultation and consultation with the IGIS, the Chief Archivist, the Privacy Commissioner and the Office of the Ombudsman. Overall there was strong support for the Policy though the IGIS was concerned about criteria 2 which provides for indefinite restrictions for information identifying sources.

### Item 3: Panel Membership and next meeting s6(a)

s6(a) was keen for input about whether the Panel has a wide enough representation of standing members noting that subject specialists can be invited to meetings where specialist expertise is required. s6(a) indicated that Legal was invited to join as standing members but had declined though will be invited to meetings where Legal expertise is required.

s6(a) asked about Communications being represented on the Panel. s6(a) agreed that their participation will be critical for future meetings where decisions will be made about public release of declassified records.

s6(a) recommended that the next meeting be arranged for late September/early October where the first declassification recommendations will be submitted.

**Item 4: Meeting wrap up**

s6(a) thanked participants for attending s6(a) will make arrangements for the next meeting.

Item	Action Items	Lead	Due date	Open/Closed
1.	Schedule next Panel meeting	s6(a)	12/10/22	Closed

Item	Decisions/Agreements
1.	none

**Next Meeting Date** 12 October 2022



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## Declassification Panel Status Report and recommendations

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**Date** 5 October 2022  
**To** Declassification Panel  
**From** s6(a)  
**For your** Decision

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### Purpose

1. To update the Panel with Declassification progress.
2. To obtain the Panels endorsement for new and changed declassification precedents as outlined in the Declassification register (see **appendix 3**).
3. To obtain Panel endorsement for declassification recommendations for the records listed in **appendix 4**.

### Background and progress

4. An 18 month proof of concept for declassification of historical records was established as part of a business case to improve the accessibility of NZSIS historical records. The business case was approved in December 2020 with the proof of concept to run from June 2021 to December 2022.
5. Key progress milestones include:
  - a. establishment of a declassification team (s6(a) Declassification Officers supported by part-time administrative assistance);
  - b. approval of the Declassification Policy to provide a framework for implementing declassification (distributed at the previous Panel meeting);
  - c. establishment of declassification governance including terms of reference for the Declassification Panel;

- d. Creation of a declassification precedents register to formally documents existing and proposed precedents.
  - e. declassifying records.
6. An options paper seeking a decision whether to transition the Declassification proof of concept to an ongoing work programme is expected to be considered by SLT on 12 October.

### Declassification recommendations for endorsement

7. A key outcome of work to date was development of a declassification precedent register (appendix 3) to support informed and consistent decision-making for ongoing declassification of historical records. The register contains three categories of precedent:
  - a) previously established precedent (highlighted in blue)
  - b) new precedents (highlighted in green)
  - c) changes to existing precedent (highlighted in red)
8. The Panel is requested to review and endorse new and changes to existing precedents highlighted in green and red in the register. Where new or changed precedents are not substantial or potentially controversial, the Panel can confirm declassification recommendations. If the Panel considers new or changed precedents to be substantial or potentially controversial, the Panel can make a recommendation to the Director-General for a decision. If there is significant disagreement within the Panel about a precedent, this can also be referred to the Director-General. The Panel may also review existing precedents (highlighted in blue) but the thresh-hold for changes to these will be high given the implications for applying changes to previously declassified records.
9. A list of the records declassified is appended for the Panel's endorsement (appendix 4). For each record there is a brief declassification rationale and recommendation. The Panel may confirm the declassification recommendation made, seek more information or if exceptional issues are raised, make a recommendation to the Director-General for a declassification decision.
10. A number of the records prioritised for declassification are from the Police Special Branch inherited when the Service was established. The NZSIS has a letter of agreement with Police which authorises the NZSIS to declassify routine former Police records<sup>1</sup>. Declassification Officers have established contact with the Police's Chief Information Security Officer and the Police Chief Privacy Officer to discuss significant declassification issues such as appropriate access restrictions for extremely sensitive personal information and a meeting has been arranged for later this month.

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<sup>1</sup> The letter dated June 2010 authorises NZSIS to declassify and release Police records dated 1919 to 1957 of a routine nature. Information of particular sensitivity for reasons of security or privacy or involves a political dimension will be referred to the Police Privacy Officer. In practice, the NZSIS have referred very few issues to Police since 2010.

11. Examples of extremely sensitive personal information viewed during declassification of former Police records include references to criminal actions, incest, abortion and allegations of Nazi sympathisers (prior to WW2).
12. In recommending continuing restriction periods for specific classes of former Police records, we have aligned our access restrictions with those Police impose on similar classes of records they have transferred to Archives New Zealand. The maximum Police restriction for Police records (including criminal investigations) is 100 years. We are proposing to adopt the same approach. The 100 years restriction is also sufficient to protect personal privacy as referenced individuals will have died. However in accordance with the agreement with Police, we will liaise with Police before releasing such records.

### Declassification future priorities

13. It is unrealistic to declassify all historical records stored by NZSIS which number over 20,000 physical files alone. Consequently the acting Director General approved general categories of historical records for declassification. Within those broad categories, the following specific record types are prioritised for current and future declassification:
  - a) ~~s18(d)~~ [REDACTED]
  - b) Information seized by Police from the pre WW2 Communist Party and sympathisers
  - c) Continue declassifying records documenting the establishment and early organisation of NZSIS
  - d) Key early communist party records.
14. These priorities will change if the Director-General requests that Declassification staff prioritise other records.

### Issues and challenges

15. Some of our most historically significant records are those seized from potentially seditious individuals and groups prior to, and during WW2 (see above). ~~s9(2)(h)~~ [REDACTED]  
[REDACTED].
16. The previous process for implementing declassification decisions was cumbersome, time consuming and unfit for purpose in a digital context. Work is in progress to change these processes with the aim of producing redacted digitised versions of public access records to be made available either via the NZSIS website or the Archives NZ online catalogue. Owing to the work still required with this, it will be some months before declassified records will be released to the public.

### Recommendations

It is recommended that the Declassification Panel:

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File:1.2.1.

ACG: NZSIS

DMS21-4-4836

- 1 **Confirm** The new and changed declassification precedents as outlined in the Precedents register (**appendix 3**). Yes/No
  
- 2 **Confirm** The declassification recommendations outlined in **appendix 4**. Yes/No

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Precedent number (running number)	Precedent type (e.g. established, new or review of a previous precedent)	Date Raised	Raised By (name of individual who identified precedent)	Description of precedent	Approved by (e.g. Declassification Panel or DG)	Decision (accept, reject, defer)	Comments/notes
1	Established	23.8.2022	s6(a)	The proposed time frame for the period of historical records declassification is from 1919 up to the mid 1970's (typically 1976). There will be some flexibility on this date to ensure coherence in what is declassified.	Acting DG declassification priorities paper	Previously approved	Timeframe is largely consistent with declassification work already done, s6(a) and priorities approved by acting DG
2	Established	23.8.2022	s6(a)	Overseas correspondence (usually with overseas intelligence partners or police forces). s6(a)	Previously approved	Previously approved	This is consistent with the practice to date
3	Established	23.8.2022	s6(a)	Source protection. For covert Service sources material identifying or which could lead to identification of sources will be withheld indefinitely. This is consistent with the current Service Declassification Policy, practice and commitments.  Protecting sources may involve withholding reports where the source is not expressly identified but a report or series of reports could facilitate identification of a source. s6(a)	By DG in the Declassification Policy criteria 2	Previously approved	Consistent with current and police practice.
4	new	23.8.2022	s6(a)	Police Officers acting as Special Constables are documented in records inherited from Police. Information which identifies Special Constables will be restricted for 100 years (the same as applies to NZSIS employees).	For Panel review	Recommended for approval	Subject to consultation with Police Chief Privacy Officer
5	new	23.8.2022	s6(a)	Volumes and registers of reports and registers inherited from Police Special Branch. Some reports contain sensitive personal information (mental health, sexual conduct and reports from the late 1930's that refer to named individuals having pro Nazi	For Panel review	Recommended for approval	Subject to consultation with Police Chief Privacy Officer. Is Consistent with NZSIS Declassification

				<p>sympathies or alleged involvement with German authorities.</p> <p>The intention is to release these when each volume reaches the 100 year anniversary for the most recent report in it. The rationale for 100 years that it is:</p> <ul style="list-style-type: none"> <li>• consistent with Police access restrictions applicable to similar records they have transferred to Archives NZ</li> <li>• consistent with Archives NZ advice for highly sensitive information</li> <li>• consistent with NZSIS declassification policy criteria for extremely sensitive information</li> </ul> <p>Exceptions is information referencing Police Sources (indefinitely restricted) and intelligence received from other intelligence, security and Police agencies which remains restricted until lifted by the relevant agency.</p>			
6	new	23.8.2022	s6(a)	s6(a)	NZSIS Declassification Policy (category 11)	Panel to approve interpretation of legal privilege	s6(a)
7	review	23.8.2022	s6(a)	<p>The Service holds large numbers of records relating to the activities of alleged communists and communist groups from 1919 onwards. The following approach is proposed for information which identifies individuals:</p> <ul style="list-style-type: none"> <li>• Identification of individuals as communists is sensitive personal information and requires restriction. It is proposed that a 50 or 70 years restriction is appropriate as odium is no longer attached to Party Membership</li> <li>• Earlier release will occur where individuals are already well known ( e.g. via Wikipedia etc) or self declared as communists</li> </ul> <p>Our view is that that CPNZ membership will have only a limited residual privacy expectation. The countervailing public interest particularly for historians and researchers is seen as outweighing these residual privacy interests.</p>	For Panel Review	Panel to approve either a 50 years or 70 years restriction	<p>Information released pursuant Privacy and CIA has often had names redacted other than that of the person making the request or their family members. This raises the issue of inconsistent decision-making between the CIA and Historical Declassification.</p> <p>s6(a) favours releasing such information after 50 years which is also recommended on the NZSIS Declassification Policy.</p>
8	Established	6.9.2022	VJW/MMB	<p>The practice is to remove records status s6(a) references when declassifying documents. There may be occasional exceptions where there is no need to do so (eg. Dr Sutch).</p>	Refer document Archival Case Law 9 Oct. 2008	Previously approved	



9	new	23.8.2022	s6(a)	s6(a)	For Panel review	Recommended for approval	s6(a)
10	new	29.8.2022	s6(a)	<p>Reports of the CPNZ National Executive and some other CPNZ coverage show that on some occasions physical surveillance was conducted against the target to identify persons attending meetings.</p> <p>s6(a) Our view is the fact such surveillance was undertaken does normally not need protecting. The surveillance was lawful at the time and does not disclose any sensitive tradecraft. The names of service officers will be subject to a 100 years restriction n or redacted. Police prior to 1957 also undertook such surveillance on occasions.</p>	For Panel review	Recommended for approval	s6(a)
11	review	31.8.2022	s6(a)	<p>The names of Service officers: s6(a)</p> <p>s6(a)</p>	For Panel Review	Change recommended for approval.	
12	review	31.9.2022	s6(a)	<p>Information on file where the originator is not determined. The previous practice was to err on the side of caution and not to release material where the originator is unknown (see document Archival 'Case Law'). However a more subtle approach is recommended. If the originator of such information can be reasonably ascertained from the content of the document then a decision may be made on this basis e.g. if it is likely to be information provided by a partner agency then the restriction on releasing partner information will apply, if not, the restrictions will apply on the basis of the documents content.</p>	For Panel Review	Change recommended for approval.	

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## Item 4 List of declassified records for review at October 2022 Declassification panel meeting

<b>Archive title</b>	Police Special Branch Secret correspondence and report summaries register V1
<b>Description</b>	Covers 1920 to 1932 when security challenges encompassed colonial issues <sup>s6(a)</sup> <div style="background-color: black; width: 100%; height: 100%; min-height: 50px;"></div>
<b>Issues arising</b>	Appropriate restrictions on Special Constable protection of identity (In discussion with Police)
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• <sup>s6(b)(i)</sup>  <div style="background-color: black; width: 100%; height: 100%; min-height: 40px;"></div> </li> <li>• Redact any references which identifies a Police Source</li> <li>• Subject to resolution with Police regarding appropriate restrictions on Special Constable protection of identity.</li> <li>• Otherwise release all non redacted content in 2032 (100 years after last report).</li> </ul>

<b>Archive title</b>	Police Special Branch Secret correspondence and report summaries register V3 (v2 is missing)
<b>Description</b>	Covers 1937 to 1940 summaries in the register relate to the activities of individuals and organisations considered to be of security significance (CPNZ, Friends of the Soviet Union, Unemployed Workers Movement, Jehovah's Witnesses, peace activists and conscientious objectors. From September 1939 summaries focused on the activities of aliens, those considered to be pro German and those thought to be of doubtful loyalty. Enforcement of wartime regulations was also recorded.
<b>Issues arising</b>	Special Constable protection of identity (In discussion with Police)
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• <sup>s6(b)(i)</sup>  <div style="background-color: black; width: 100%; height: 100%; min-height: 40px;"></div> </li> <li>• Redact any references which identifies a Police Source.</li> <li>• Subject to resolution with Police regarding appropriate restrictions on Special Constable protection of identity.</li> <li>• Otherwise release all non redacted content in 2040 (100 years after last report).</li> </ul>

<b>Archive title</b>	Police Special Branch Secret correspondence and report summaries register V4
<b>Description</b>	Covers 1941-46. Register summarises in brief detail reports regarding the activities of

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<sup>s6(a)</sup>

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	individuals and organisations deemed to be of criminal or security significance – the CPNZ, Aid to Russia, peace activists, Jehovah’s Witnesses, conscientious objectors, and those considered to be of doubtful loyalty. The register also records details of individuals who defaulted on military service or who broke wartime regulations. Entries on the register became progressively short likely because of the pressure of work during wartime
<b>Issues arising</b>	As with volumes 1 and 3 Source/Special Constable protection of identity (In discussion with Police).
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• s6(b)(i)</li> <li>• Redact any references which identifies a Police Source.</li> <li>• Subject to resolution with Police regarding appropriate restrictions on Special Constable protection of identity.</li> <li>• Otherwise release all non redacted content in 2046 (100 years after last report).</li> </ul>

<b>Archive title</b>	Police Special Branch Reports of subversive activities v2 (v1 missing)
<b>Description</b>	Covers 1928-31. These relate to meetings of a number of organisations and some individuals of security interest. The main organisations reported on are the Communist Party, Labour and Labour Defence League
<b>Issues arising</b>	There is some very personal information about some named persons s9(2)(a)
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• Release with any necessary redactions re privacy now.</li> <li>• Release entire file in 2031 (100 years after last report).</li> </ul>

<b>Archive title</b>	Police Special Branch Reports of subversive activities v3
<b>Description</b>	Covers 1931 relating primarily to the same organisations as v2 with the addition of the Unemployed Worker Union and some reports on individuals of security interest
<b>Issues arising</b>	Contains a report with information provided by s6(b)(i). The information is about s9(2)(a). It is considered this does not warrant attempting to seek permission to release when 100 years old
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• Release with any necessary redactions re privacy now.</li> <li>• Release entire file in 2031 (100 years after last report).</li> </ul>

<b>Archive title</b>	Police Special Branch Reports of subversive activities v4
<b>Description</b>	Covers 1931 to 1932 and relates to the same organisations as volume 2 and 3. Also includes reports on the unemployed relief workers activities and some individuals of security interest.
<b>Issues arising</b>	There is a report on a courier of communist literature s6(b)(i). Same issue and view as V3. There is very sensitive information about a named person

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s6(a)

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	s9(2)(a)
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• Release with any necessary redactions re privacy now.</li> <li>• Release entire file in 2032 (100 years after last report).</li> </ul>

<b>Archive title</b>	Police Special Branch Reports of subversive activities v5
<b>Description</b>	Covers 1932 to 1935 which relate to the same organisations as earlier volumes and freezing workers meetings and anti war meetings plus on individual's of security interest
<b>Issues arising</b>	<p>There is a report stating a named person s9(2)(a)</p> <p>s9(2)(a)</p> <p>s6(a)</p> <p>s6(a)</p>
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• Release with any necessary redactions re privacy now.</li> <li>• Release entire file in 2035 (100 years after last report).</li> </ul>

<b>Archive title</b>	Police Special Branch Reports of subversive activities v6
<b>Description</b>	Covers 1935 to 1939. Contains reports similar to the earlier volumes however has in addition increasingly reports reflecting concern about Nazi Germany, Fascist Italy and Japan
<b>Issues arising</b>	<p>There are a number of reports on individuals of security interest, particularly of persons suspected of being German agents or sympathizers. s6(a)</p>
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• Release with any necessary redactions re privacy now.</li> <li>• s6(a)</li> <li>• Release entire file in 2039 (100 years after last report).</li> </ul>

<b>Archive title</b>	File 1/1/1 NZSIS Organisation v2A
<b>Description</b>	Covers 1948 to May 1957. It contains reports and correspondence about Police Special Branch and proposals which culminated in plans to establish the Security Service (as the Service was then called).
<b>Issues arising</b>	s6(b)(i)

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	s6(b)(i)
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• s6(b)(i)</li> <li>• Release file subject to necessary redactions</li> </ul>

<b>Archive title</b>	File 1/1/1 NZSIS Organisation V2B
<b>Description</b>	Covers 1957 to 1972. These relate, inter alia, to the setting up of the Security Service, transfer of responsibilities and equipment to it from Special Branch and staffing of the Security Service. There is routine correspondence and also papers which include options for internal reorganisation of the Service plus the issue of putting the Service on a legislative basis
<b>Issues arising</b>	<p>There is a statement by the Secretary of External Affairs classified CONFIDENTIAL explaining the rationale for the Security Service which was held for use in Parliamentary debate ( there is no indication whether it was so used) and came to the Service from Sir Keith Holyoake. It appears suitable for declassification however we consider MFAT should be consulted.</p> <p>s9(2)(h)</p> <p>s6(b)(i)</p> <p>SEATO documents – as done with previous SEATO documents MFAT to be consulted regarding release.</p>
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• s6(a)</li> <li>• Redact or remove, documents subject to legal privilege.</li> <li>• Release subject to necessary redactions.</li> </ul>

<b>Archive title</b>	File 1/1/1 NZSIS Organisation v3
<b>Description</b>	Covers 1973-1982 (declassification is only to 1976). Volume contains largely routine papers and correspondence, radio interviews, documents on the structure of the service, social events, administrative matters

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<b>Issues arising</b>	<p>There are official memos, often of a routine nature, that would have gone to a range of crown agencies including Cabinet Office memos (some classified RESTRICTED) such as requests for information for the Legislative Programme.</p> <p>s6(a)</p> <p>A memo of 29.7.1976 advising of Sir Herbert Gilbert's retirement was sent to a list of Embassies and High Commissions. s6(a)</p> <p>s6(a)</p>
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• s6(a)</li> <li>• Release file up to 1976 subject to necessary redactions</li> </ul>

<b>Archive title</b>	1/1//1/1 v1 Organisation s6(a)
<b>Description</b>	<p>Covers 1948 to 1977. Documents up to August 1956 have already been declassified by s6(a). The volume contains correspondence including with the Minister in charge of the Service (PM), Service Objectives, memos to staff, documents generated for the Inquiry by Sir Guy Powles into the Service which included summaries on the history of the Service. There is correspondence between the Director and the PM over concerns about the terms of reference and the conduct of the Powles Inquiry. A number of documents in this volume have already been declassified s6(a) in response to request by researchers (mostly s9(2)(a)). It also has copies of reports done earlier (1950s) on the issues of managing security by either Police Special Branch or by establishing the Security Service which were background material for Sir Guy Powles</p>
<b>Issues arising</b>	<p>Most documents are straight forward to declassify or are already declassified however a clutch of documents were not declassified and are not of Service origin. More research is required to establish if in fact any of these have been declassified. Those not declassified can be withheld or the originators approached for agreement to release s6(a)</p> <p>s6(a). See precedent 2.</p>
<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• s6(a)</li> <li>• Seek approval to release documents provided by other New Zealand government agencies.</li> <li>• Release subject to necessary redactions</li> </ul>

<b>Archive title</b>	25/11/18 Organisation to Halt Military Service - OHMS 1972-1974
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<b>Description</b>	OHMS was active in the early 1970s as a protest group and ended when compulsory military training was abolished in New Zealand
<b>Issues arising</b>	This file has been reviewed and declassified (with redactions/deletions) in response to a request from a person who was a central player in the organisation. The declassified material has had names removed other than the requester's. There was discussion at the time of processing the OIA request that the file might be released proactively as a declassified file.
<b>Recommendations</b>	Consult OIA team regarding release of the declassified OHMS documents including seeking agreement from the OIA requestor to retain his name in the declassified file.



## Archives Declassification Panel Minutes

**Date:** Monday 10 October 2022

<b>Venue:</b>	PHOP	s6(a)		s6(a)
	NR	s6(a)		

**Time:** 1015-1145

<b>Panel Members</b>	s6(a)	(Chair)	s6(a)

**In Attendance** s6(a)

**Apologies** s6(a)

### 1. Welcome, Apologies, Previous Minutes and Action Items

The Chair welcomed members to the meeting. Apologies noted as above.

#### Minutes:

The Minutes of the meeting held on 8 August 2022 were approved with no matters arising.

#### Action Items:

- Scheduled next Panel meeting – can be **CLOSED**.

### 2. Declassification status and recommendations report s6(a)

*Paper taken as read.*



## Key highlights noted:

- A declassification register has been developed which documents three categories of precedent. Conversation focussed on the green (new precedents) and red (changes to existing precedent).
- s9(2)(h) [REDACTED]
- Currently looking at options for scanning physical records with the aim of creating a complete declassified digital record. Further work on this will be initiated on this work once SLT make a decision on the recommendation to establish an ongoing declassification programme. This also includes funding for the purchase of specialised scanning equipment. The recommended option to SLT is to maintain s6(a) [REDACTED] declassification officers and administrative support and to commit to the ongoing work. It was noted that s6(a) [REDACTED] s6(a) [REDACTED] is keen to engage about the work of the administrative support in the OIA capacity.
- The point was made that the objective of declassification is: to identify and release public access digitised versions of declassified records; and to identify how long information which cannot be immediately be released, should be restricted before public release.
- The Panel **confirmed** the two recommendations.
  1. The new and changed declassification precedents as outlined in the Precedents Register.
  2. The declassification recommendations outlined in appendix 4 (Archives recommendations for declassification).

**3. Review Declassification Precedents** s6(a) [REDACTED]

*Paper taken as read.*

## Key highlights noted:

- s6(a) [REDACTED] provided updates on the precedents as listed in the paper (see agenda item 3). When established, the Service inherited Special Branch records from Police. There is a Letter of Agreement (with provisos in it) with the Police which provide the Service with authority to review and declassify former Police records.
- One of the issues considered was potential privacy concerns around Special Constables and other informants used by the Police to attend and report on Communist party meetings and activities. Arrangements have been made to meet with relevant Police to discuss their approach in determining whether some information requires indefinite restriction or 100 years. Current Police restrictions on most of their records stored at Archives NZ is 100 years.
- With regard to the Declassification register, the Panel endorsed the following:

**Green:**

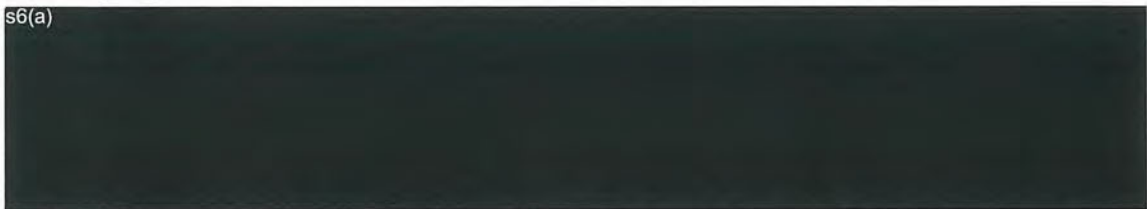
- All **endorsed** (4, 5, 6, 9, & 10) – noting 4 & 5 are endorsed subject to consultation with Police.

**Red:**

- #7 – a query was also raised relating to the time period – confirmed as 50 years, but starts from the last entry on the file. **Endorsed.**
- There was general consensus that a lot of the information will be of public interest, especially for historians.
- Panel agreed with the importance of applying declassification principles consistently and the Panel will make decisions where required. Major decisions will be referred to the DG for final decision on release of information.
- It was recommended that a systematic approach was important for consistent declassification decision-making and it was proposed that an assessment process or scale be developed which would include the relative levels of the following: public interest, sensitivity and privacy impact. This process would provide a tool for assessing appropriate public access restrictions. It was agreed that s6(a) will create this document for review by the next Panel meeting.

**Action:** s6(a) to create a declassification assessment process

s6(a)



**Action:** s6(a) follow up with s6(a) around release of some information which may s6(a).

**4. Archives Recommendation for Declassification** s6(a)

*Paper taken as read.*

For ease of consideration, the records have been split into various groups, and were discussed in their groupings.

**All Recommendations were agreed.** Key points were:

- #1-3 – *Police Special Branch secret correspondence registers dating from 1920-1946* ) :
  - Do not release references from partner agencies.
  - Communications staff to be involved before releasing declassified records due to the nature of it and the interest it could generate.
  - Similar Police records stored at Archives NZ are restricted for 100 years.
  - Will be of considerable interest to historians.
- #9-12 *Service Organisation files (1/1/1) (1948-1977)*:
  - Covers the period in establishing the Security Service (NZSIS).
  - Builds on work previously undertaken by s6(a) on similar records.

- s6(a)
- [Redacted]

- #10 – NZSIS File (1/1/1 v2B) (1957-1972) :
  - Any classified documents received from other agencies will be referred back to the originating agency for agreement to release but agreement is not required for non classified documents received.

- #11 – NZSIS File (1/1/1 v3) (1973-1982) :
  - s6(a)

- Summary:
  - Need to work out what the release plan will look like, what documents will be released/redacted.
  - OIA staff are looking at publishing OIA responses on the website on a quarterly basis; the release could be wrapped up to be included in this.
  - Communications staff to be across this for DG engagement, especially around community groups, NZ government agencies, s6(a)

- Panel advised a paper is going to SLT (25 October) recommending the continuation of the declassification work. The Panel is in support of this. Copy of the paper will be forwarded to the Panel.

**Action:** s6(a) to send to the panel the paper going to SLT.

## 5. Meeting Wrap Up

The Chair thanked members for their attendance.

## Next Meeting

tbc

s6(a)	
s6(a)	

## 6. Meeting Closure

Meeting closed at 11.48am

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ACG: NZSIS

DMS21-4-4868

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s6(a)

**OPEN Action Items – October 2022**

Number	Action Item	Lead	Date Raised	Date Due	Action	STATUS
A02	Background scale rating paper	s6(a)	10.10.22	Next mtg	Create a declassification assessment process.	New
A03	Release of information s6(a)	s6(a)	10.10.22	Next mtg	Follow up with s6(a) around release of some information which s6(a)	NEW
A03	Declassification paper to SLT (25 Oct)	s6(a)	10.10.22	asap	s6(a) to send to the panel the paper going to SLT.	New COMPLETED

**CLOSED Action Items – October 2022**

Number	Action Item	Lead	Date Raised	Date Closed	Action
A01	Next Panel meeting	s6(a)	28.09.22	10.10.22	Next panel meeting was scheduled (10.10.22)



New Zealand  
Security Intelligence  
Service  
Te Pā Whakamarumarū

## Assessing public interest when making declassification decisions

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**Date** 8 March 2023  
**To** Declassification Panel  
**From** s6(a)  
**For your** Decision

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### Purpose:

1. To obtain endorsement from the Archives Declassification Panel ('Panel') for a framework for assessing public interest when making declassification decisions for NZSIS archives.
2. For endorsement of a new category of public restrictions for exceptionally sensitive personal information in addition to the existing categories in the NZSIS Archives Declassification Policy.

### Background and methodology

3. In the Panel meeting of 10 October 2022, it was recommended that an assessment process or scale should be developed incorporating the concept of public interest to support the consistent application of declassification access principles. This paper is the response to the Panel's recommendation.
4. Following the October Panel meeting there was discussion within the declassification team about what a declassification assessment process or scale might look like. It was agreed that some form of 'objective' sliding scale for assessing public interest is not feasible given that the concept of public interest is both open ended and flexible and dependent on the context of the records being declassified. Consequently, the preferred approach is to consider the following public interest criteria as specific records are being declassified alongside other issues such as personal privacy when making public access recommendations.
5. Defining public interest is subjective. In this context considering the statutory framework for releasing information is helpful. A key purpose of the Official Information Act (section 4(a)) is to progressively increase the availability of official information to enable people to more effectively participate in the making and administration of laws and to promote government

accountability. This does not mean that public interest is anything of ‘interest to the public’ but that the issue is one of legitimate public concern. Public interest operates only in favour of openness (there is no general public interest in secrecy other than those in the statutory criteria).

6. Where official information contains personal private information, a balancing exercise is required to decide whether the public interest for information release outweighs the right of the individual to privacy (OIA S.9(1)). If public disclosure outweighs the need to withhold, then the information can be released and if not, then the information should be withheld. If the two are equally balanced, the Ombudsman’s view is that the privacy consideration should determine that the information should not be released though the privacy issue can be accommodated by restricting access/release for a specific period of time.

**Public interest declassification criteria**

7. The following criteria reflect guidance provided from the Office of the Ombudsman<sup>1</sup>:

**Criteria 1: Level of disquiet, speculation or controversy.** For example communist party organisations were of significant concern to the government and the wider community regarding matters such as influence in trade unions, degree of control/support by foreign communist states and the potential for subversive activity.

**Criteria 2: Information already in the public domain.** Has information been previously released? Is some or all of the information already in the public arena? Examples include newspaper clippings and other publications.

**Criteria 3: Need for a full picture or to correct inaccurate or misleading information.** Does information already in the public domain present the ‘full picture’, or could it be seen as inaccurate, incomplete or misleading in any respect? The public interest in disclosure may be heightened if the publicly available information is inaccurate, incomplete or misleading. For example does information in the public domain relating to the Communist Party of New Zealand (e.g. People’s Voice publication) fully reflect the inner workings of the party including the dysfunction and machinations of the party?

**Criteria 4: Age of the information.** How old is the information? It is important to consider the public interest in access to historical information for research and other purposes. Disclosure of historical significant information to researchers serves the public interest by furthering research and knowledge development.

**Public interest and privacy**

8. Public interest must be considered against other issues including personal privacy. Criteria for considering privacy are outlined in the NZSIS Declassification Policy. These do not need to be discussed in detail here but are summarised below:

Criteria	Restriction period
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<sup>1</sup> See Public Interest ‘A guide to the public interest in section 9(1) of the OIA and section 7(1) of the LCOIMA August 2019’ available on the Ombudsman’s website <http://www.ombudsman.govt.nz>.

Declassification Policy criteria 3: Information which identifies individuals as current or previous NZSIS staff members	100 years after date of last action
Declassification Policy criteria 4: Highly sensitive personal information about individuals	100 years after date of last action
Declassification Policy criteria 5: Personal information about individuals (with a lower expectation of privacy than highly sensitive information)	50 years after date of last action

9. Sensitivity of personal information diminishes with time. The Ombudsman’s guidance (p.7) notes S.9(2)(a) of the OIA ‘ is capable of protecting the privacy of the deceased and their surviving family members. However, the privacy interest of deceased persons generally diminishes with time. For example, the limits on the disclosure of health information in rule 11 of the Health Information Privacy Code do not apply in respect of individuals who have been dead for more than 20 years. Generally the privacy of the deceased weighs less heavily against the countervailing public interest in disclosure over time.
  
10. As a consequence of declassification work completed and discussions with the New Zealand Police Chief Information and Security Officer and Chief Privacy Officer, consideration has been given as to creating an additional privacy based declassification criteria for a small amount of information consistent with the type of information which would otherwise be covered by the Health Information Privacy Code or is of a higher level of sensitivity than appropriate with the 100 year restriction which applies to highly sensitive information. This includes information which potentially has intergenerational implications such as allegations of incest. See **recommendation 1 below**.
  
11. The recommended framework for assessing public interest in declassification decision-making is that Declassification Officers will consider and document the applicable public interest criteria versus other considerations outlined above which will become part of the written record for each declassification recommendation. See **recommendation 2 below**.

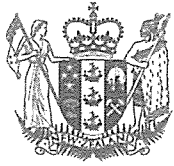
**Recommendations**

It is recommended that the Declassification Panel:

- 1 **Endorse** Implementing a new criterion for exceptionally sensitive personal information which will require restriction for 120 years after last action (see paragraph 10 above). Yes/No
  
- 2 **Endorse** Implementing a framework for assessing public interest as Yes/No



outlined above.



**Te Pā Whakamarumarū**  
New Zealand Security  
Intelligence Service

ACG: NZSIS  
Author:  
DMS18-1814992257-901

## Briefing note

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Date: 3/10/2023  
To: NZSIS Historical Records Declassification Panel  
From: s6(a)  
For your: Decision

---

## Declassification Update Report and Recommendations

### Purpose

1. To provide the Declassification Panel ('Panel') with an update on progress with declassification activities since the last Panel meeting
2. To obtain Panel endorsement for the specific recommendations outlined below.

### Update

3. Since the April meeting there have been a number of significant developments which are outlined below:

#### **Establishment of historical declassification as an ongoing NZSIS activity**

4. Following the 18 month proof of concept, in June 2023 a small permanent declassification team was established to continue work in reviewing the Service's historical records. Subsequently, s6(a) Declassification Officers s6(a) s9(2)(a) were appointed as permanent staff.
5. In addition, a part time s6(a) administrative assistant role was established in the Capability Directorate to support the declassification process in addition to other administrative activities.
6. s9(2)(a) and we are in the process for advertising for a Declassification Officer.

#### **Summary of Declassification completed work and work in progress**

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7. A table summarising the records recommended for public release since March 2023 (in addition to other records in the declassification process) is included as **appendix 1** at the end of this report.

#### **Review of Declassification Policy**

8. At the time the Declassification Policy's approval, it was agreed the Policy would be reviewed utilising the experience resulting from declassifying records during the proof of concept. The results of this review are outlined in a separate paper for this meeting.

s9(2)(h)



s9(2)(h)



**Review of Precedents made from April 2023 meeting**

15. These are listed in **appendix 2** at the end of this report for Panel approval.

**Wording of a generic disclaimer to accompany declassified and publically released information**

16. The Panel at its last meeting (17 April 2023) when considering the proposed disclaimer to accompany the release of s18(d) information decided that a general disclaimer should be applied to each all records released to the public. The Panel saw this as part of a context statement for each group of declassified records.
17. Having consulted with Legal, OIA staff and Communications staff there is agreement to the following wording as a general disclaimer subject to approval of the Panel:

*'This material has been declassified and placed into the public domain because of its historic and research value, as well as NZSIS's commitment to transparency where possible. The content and views expressed in the material are, in some cases, only the views of individuals, and in others, reflect the national security focus and attitudes of the time. The NZSIS has undergone significant transformation since then.'*

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**Legal privilege update**

18.

s9(2)(h)

**Mosaic effect argument for withholding intelligence and security information**

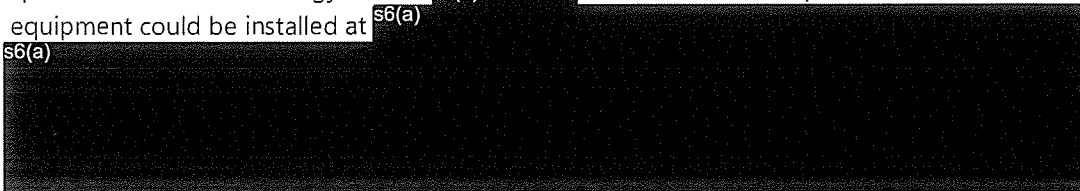
19. The draft IGIS Annual Report 2022/23 circulated for comment includes a section regarding the implications of the mosaic effect on public release of information.
20. In summary the IGIS defines the mosaic effect as the possibility that public release of individually harmless items of information might reveal sensitive information when combined. The IGIS acknowledges this as a valid national security issue in responding to Official Information Act and Privacy Act requests but notes that there is a risk of 'undue deference' being given to arguments for restricting access to information on this basis.
21. The IGIS supports the Chief Ombudsman's view that agencies withholding access to information on the basis of the mosaic risk needs to set out clearly how its release can be expected to cause harm and what that harm will be. The IGIS is concerned about the lack of specific analysis provided by agencies withholding access on this basis and the delays in providing analysis when requested. The IGIS reports that the agencies understand and accept the need for proper analysis of disclosure risks and not rely on speculative, unspecified claims of mosaic risks as a basis for withholding access.
22. The Declassification Officers have been aware of this risk since the pilot project was established in 2021. Consequently detailed records of declassification decisions are made and precedents formally documented.

s6(a)

**Issues and desired outcomes**

23. While there has been continuing progress in cementing the foundations for an ongoing historical records declassification programme, the inability to progress the purchase of specialist scanning equipment to expedite declassification work is a continuing frustration.
24. In December 2022 SLT approved the purchase to a specialist scanner from s6(a)
- s6(a)
25. For various reasons, purchasing 'one-off' specialist scanning equipment has not proceeded despite best efforts so the approach has changed to including the specialist scanner requirements into a broader project to s6(a) If the proposal to include

specialist scanner technology into the ~~s6(a)~~ is successful, then specialist scanner equipment could be installed at ~~s6(a)~~



- 26. Given the continuing uncertainty regarding purchase of the new scanners our Declassification staff have tested image quality using our current copiers to see if useable digital copies can be produced for publication. The results demonstrated that four of the five images were of an acceptable quality for publication, the fifth was not. The critical determinant for the readability of scanned documents having undergone multiple scan/copying is being the quality of the original document. Overall, the slowness and variable results of using our current copying technology makes it not feasible to progress to publication.
- 27. Unfortunately this means that until a technology solution is settled on and implemented, the final product of declassification, publically released declassified historical records, will not be produced and it is currently unclear when we will be able to.

## Recommendations

It is recommended that the Panel:

1	Agree	To the public release of the records recommended for public release in <b>appendix 1</b> below	Yes/No
2	Agree	<del>s9(2)(h)</del>	Yes/No
3	Agree	To the remaining precedents outlined in <b>appendix 2</b> below	Yes/No
4	Agree	Generic legal disclaimer outlined under paragraph 18	Yes/No
5	Note	While progress has been made with assessing options for obtaining specialist scanning technology to expedite the speed and quality of digitising records for public release, there is still a lack of certainty about when the current issues will be resolved and this may effect the timing of public release of declassified records	

### APPENDIX 1

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

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Record title	Assessment	Declassification recommendation
CPNZ National Committee vol.1	Reviewed and assessed as of sufficient public interest to outweigh remaining privacy concerns	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft or special privacy issues.
CPNZ National Committee vol.2	Reviewed and assessed as of sufficient public interest to outweigh remaining privacy concerns	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft or special privacy issues.
CPNZ National Committee vol. 3	Reviewed and assessed as of sufficient public interest to outweigh remaining privacy concerns	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft or special privacy issues.
s18(d)	Reviewed and assessed as of sufficient public interest to outweigh remaining privacy concerns.	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft or special privacy issues.
	s6(a)	s6(b)(i)
	s6(b)(i)	s6(b)(i)
s9(2)(a)	Reviewed and assessed insufficient public interest to outweigh privacy considerations	Do not recommend public release.
	Reviewed and assessed insufficient public interest to outweigh privacy considerations	Do not recommend public release.
1/1/1c SIB Bulletins 43-45	Reviewed and assessed as of low public interest	Do not recommend public release.
1/3/9? Packet 62	Reviewed and assessed insufficient public interest to outweigh privacy considerations	Do not recommend public release.
s9(2)(a)	Reviewed and assessed insufficient public interest to outweigh privacy considerations	Do not recommend public release.
21/2/4 vol.1 CPNZ Policy on industry and trade unions	Reviewed and assessed as of sufficient public interest to outweigh privacy considerations. s6(a)	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft or special privacy issues. s6(a)
	s6(a)	s6(a)
		s6(a)

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		s6(a)
21/2/4/1 s6(a) CPNZ activities in industry and trade unions	In progress	
21/2/2 vol.1 CPNZ Policy on public service, armed services, universities, professions, etc.	Reviewed and assessed as of sufficient public interest to outweigh privacy considerations.	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft or special privacy issues.
s9(2)(a)	Reviewed and assessed as of sufficient public interest to outweigh privacy considerations. Particular attention will be required in the area of source protection.	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft or special privacy issues.
Packet 48 from NZ Police files Documents in support of declaring communism illegal	In progress – awaiting resolution of legal privilege issue.	
Packet 44 From NZ Police Files Documents seized from an individual	In progress – awaiting resolution of legal privilege issue.	
Packet 50 From NZ Police files Documents relating to subversion and prosecutions	In progress – awaiting resolution of legal privilege issue.	
Packet 36 From NZ Police files Documents relating to subversion and prosecutions	In progress – awaiting resolution of legal privilege issue.	
s18(d)	Reviewed and assessed as of sufficient public interest to outweigh privacy issues.	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft and special privacy issue.
Packet 51	In progress –awaiting resolution of	



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From NZ Police files Documents relating to subversion and prosecutions	legal privilege issue.	
21/2/10 vol.1 CPNZ: National Policy on Elections	In progress	
s6(a)		
21/2/3/1 (TS) vol.1 CPNZ National Committee	In progress	
s18(d)		
PF. BAILEY, Rona Vol.1	In progress	
PF. BAILEY, Rona Vol.2	In progress	
PF. BAILEY, Rona Vol.3	In progress	

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Appendix 2: Precedents established since the last Panel meeting (17 April)

Precedent Number	Precedent description
14	When material is identified as a CUP (communication of an unconventional perception) in most cases will not be assessed for declassification/release. In due course consideration of destruction of such material should be addressed – and provision for this in the destruction schedule agreed with Archives NZ which is in progress
15	s6(a)
16	s9(2)(h)
17	s9(2)(h)

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	s9(2)(h)
18	s6(a)

~~RESTRICTED~~



**Te Pā Whakamarumarū**  
New Zealand Security  
Intelligence Service

ACG: NZSIS  
Author: IM/egb  
DMS18-1814992257-838



New Zealand  
Security Intelligence  
Service  
Te Pā Whakamarumarū

## Archives Declassification Panel Minutes

Date 17 April 2023

Venue s6(a)

Time 10.00-11.45am

Attendees s6(a)  
s6(a)

Apologies s6(a)

**Welcome and apologies:** s6(a) noted that s6(a) was mistakenly on the attendee list owing to her previous role as s6(a) but with s6(a) attending s6(a) presence was not required.

### Item 1: Previous Minutes & Actions

Minutes of October 2022 meeting approved.

Under OPEN action items:

A02 Background scale rating – see paper for agenda item 3.

A03 Question of releasing information that may reveal tradecraft. Prior to this meeting s6(a) followed up with s6(a) but was unable to confirm whether this action has been completed. s6(a) will check with s6(a) again when he returns from leave.

A04 Declassification paper to SLT circulated – action completed.

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**Item 2: Status report (verbal)**

s6(a) covered the following points:

- Focus since the last meeting on s18(d) [redacted] s18(d) [redacted]. Records prioritised owing to age and anticipated public interest.
- No major privacy issues with declassification of s18(d) records; owing to age and lack of extremely sensitive information.
- s9(2)(h) [redacted]
- s6(b)(i) [redacted]
- s9(2)(h) [redacted]
- Currently working on information seized by Police from communists 1930's.
- Agreed with MFAT and Police that we would assist in declassifying pre Service Police intelligence records as NZSIS inherited the intelligence role when established in 1957.
- Actual scanning and redaction of declassified documents delayed until we get specialist technology (scanner).
- Working assumption that we will publish digitised scanned documents via our website to avoid complexities of working with Archives NZ.
- s9(2)(a) [redacted]

s6(a) raised a question about the proposal to publish OIA responses quarterly. s6(a) responded that a SOP on the process has been completed and a small number of responses will soon be published.

**Item 3: Assessing public interest paper**

s6(a) introduced this paper explaining in part it was produced in response to questions raised at the previous Declassification Panel meeting about developing a declassification assessment process for defining public interest (AO2). It became clear that some form of matrix approach was not workable given the importance of context and the challenge of managing subjectivity when assessing public interest.

In practice the public interest criteria under paragraph 7 will be applied for each group of records considered for declassification. These criteria are adapted from guidance provided by the Ombudsman's Office. Clear documentation of all public interest assessments will be created and maintained for accountability purposes.

s6(a) explained that public complaints made under the OIA regarding access to records are referred to the Ombudsman for review.

The creation of a new category for extremely sensitive information for exceptional circumstances such as accusations of incest with the proposal such information be withheld for 120 years, following the precedent provided for in the health information privacy code, was endorsed by the Panel.

There was support for the use of a documented assessment process as outlined in the paper.

s6(a) will arrange a meeting with the Office of the Privacy Commissioner and it was agreed that we will include discussion of this paper with them. It was also agreed to circulate this paper to the IGIS. Subject to any major issues arising from these engagements, the Panel endorsed the approach outlined in the public interest paper.

s18(d)



s6(a)

Other key points raised in the meeting were:

- The wording of the disclaimer was good but should be applied to all declassified records as part of a context statement for each group of declassified records rather than just the s18(d) information. It was agreed to work with Communications, the OIA team and Legal on the wording for a generic disclaimer.
- It was agreed to remove item iv under paragraph 8 as this is very context specific and largely covered by item iii.
- Under Recommendation 1 for endorsement: change the wording to records can be made available to the public 70 years after last date as the current wording of the recommendation is misleading.
- There was consideration about the release process s6(a) explained that he had preliminary discussion with Communications about release via the NZSIS website with the addition of contextual information about each group of records (including the disclaimer). s6(a) also assumes that under the no surprises approach, our Minister would be advised prior to public releases.
- There was discussion about the purchase of a specialist scanner to facilitate digitisation of the physical records. s6(a) has attempted to progress this but is proving

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complex s6(a)  
 [Redacted]  
 [Redacted]  
 [Redacted]

**Item 5: Future of the Declassification Work Programme**

s6(a) explained that Capability Directorate was committed to s6(a) Declassification Officer roles and the part time administrative support role by s6(a) s6(a). A final recommendation is with SLT and a final decision is expected in about 2 weeks.

**Item 6: Meeting wrap up**

No further items were discussed and the meeting concluded at 11.45 am.

Item	Action Items	Lead	Due date	Open/Closed
1.	Schedule next Panel meeting	s6(a)	20 April 2023	Closed
2.	Liaise with Office of the Privacy Commissioner and IGIS regarding the Public Interest paper (item 3)	s6(a)	tbd	Open
3.	s18(d)	s6(a)	20 April 2023	Closed

Item	Decisions/Agreements
1.	Agreed to a new restriction period of 120 years for information identified to be extremely sensitive (Item 3)
2.	Agree to the use of a disclaimer to be applied to all publically released records with final wording to be approved by Communications and Legal (item 4)
3.	Agree to the public release of the records recommended for release after last date on file subject to any substantial issues arising from engagement with the IGIS and Privacy Commissioner regarding the public interest paper (see Action Items above)
4.	s6(a)

**Next Meeting Date** tbd

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**Te Pā Whakamarumaru**  
New Zealand Security  
Intelligence Service

ACG: NZSIS  
Author:  
DMS18-1814992257-901

## Briefing note

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Date: 8/04/2024  
To: NZSIS Historical Records Declassification Panel  
From: s6(a) [REDACTED]  
For your: Decision

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## Declassification Update Report and Recommendations

### Purpose

1. To provide the Declassification Panel ('Panel') with an update on progress with declassification activities since the last Panel meeting
2. To obtain Panel endorsement for the specific recommendations outlined below.

### Update

3. Since the last meeting there have been a number of significant developments which are outlined below:

s6(a)

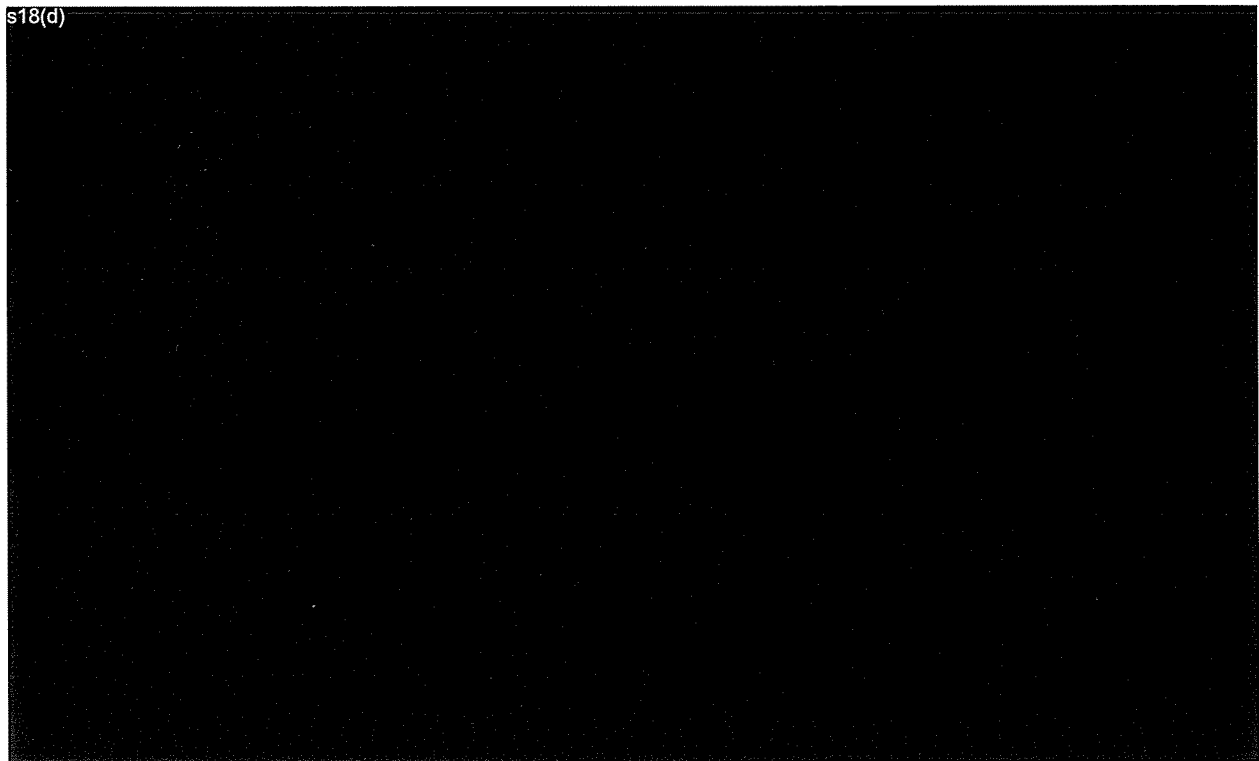


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7. [s6(a)] was appointed as the [s6(a)] administrative assistant role to oversee the scanning historical documents for publication. With [s6(a)] on board, scanning work is proceeding quickly. Working with Business Improvement staff, [s6(a)] is drafting and formalising scanning procedures and considering options for process improvements.

**Scanned records identified for public release (Tranche 1)**

8. Approval is sought for the public release of the records divided into the two subject groupings; [s18(d)]  
[s18(d)]
9. [s18(d)] records were previously endorsed by the Declassification Panel for release.
10. [s18(d)] files are recommended for endorsement by the Declassification Panel for public release.
11. The following text is recommended to accompany the two groups of records recommended for publication as Tranche 1. The list of the records proposed for public release are listed in **appendix 1**.



14. The following specific records recommended for public release for Tranche 1 are listed in **appendix 1**.

**Public release process**

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- 15. Following endorsement from the Declassification Panel, the Information Manager will liaise with Communications staff to determine an approach for promotion activities to support the public release of Tranche 1.
- 16. Prior to public release the Ministers Office, the IGIS, New Zealand Police and MFAT will be advised on the impending release of Tranche 1.
- 17. Following endorsement by the Declassification Panel, the final release of Tranche 1 will be approved by the Director-General,
- 18. The following is a link to one of the scanned and redacted files as an example of what will be published on the NZSIS website. The only addition will be a watermark on each page signalling that the file has been declassified and publicly released

s6(a) [Redacted]

### Approval of Declassification Policy

- 19. Following the review of the Declassification Policy (the results of which were distributed to the Panel previously) the Director-General signed the reviewed Policy in March 2024 s6(a) [Redacted]  
[Redacted] [NZSIS Archives Declassification Policy.docx](#)
- 20. An unclassified version of the Declassification Policy is due to be published on the NZSIS website with supporting information about declassification soon. The supporting information was reviewed by Communication's staff and approved by the Director General. s6(a) [Redacted]

s6(a) [Redacted]

### Review of new precedents since the October 2023 meeting

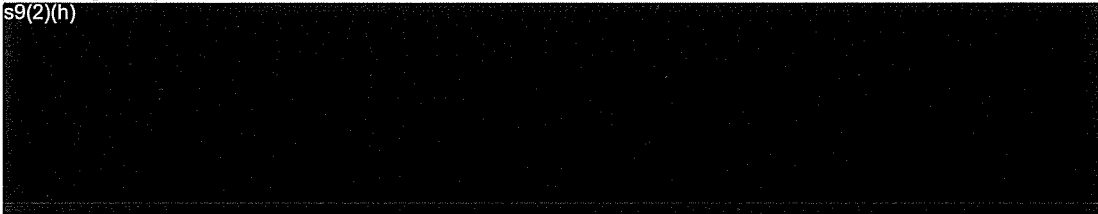
- 21. See below:

Precedent number	Precedent description
19	s9(2)(h) [Redacted]


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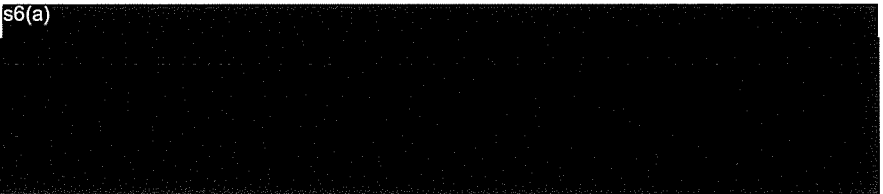
20	<p>Ministry of Foreign Affairs and Trade (MFAT) have agreed to NZSIS releasing routine MFAT documents that record MFAT staff members' interaction with Soviet diplomats that we hold on our files without seeking their approval.</p> <p>As these records reflect MFAT officers engaged in their official duties there is no requirement to redact their identities.</p> <p>This approval does not extend to material that touch on New Zealand's foreign policy interests. Reports of this nature will still require consultation with MFAT as previously.</p> <p>NZSIS records relating to MFAT staff that we regard to be of a personal nature will be redacted or withheld. An example of this type of report would be attempts by Soviet intelligence officers to gather information on named MFAT officers to assess if they were worthy of cultivation/recruitment</p> <p>NZSIS will forewarn MFAT of the release of material such as that described above.</p>
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**Legal privilege update**

22. <sup>s9(2)(h)</sup> 

**Issues and desired outcomes**

23. The continuing inability to progress the purchase of specialist scanning equipment to enhance image quality and expedite declassification work has been a continuing frustration to implementing declassification. As a consequence of continuing delays, it has been decided to progress with scanning using our existing <sup>s6(a)</sup>  Testing via scanning, copying and rescanning records for publication has shown that while there has been some loss of image quality for the final publication version, most content is adequate for publication purposes.

24. At the same time efforts are still in progress to acquire specialist scanning equipment to enhance image quality and scanning speed via adding a specialist scanner requirement to a broader project to <sup>s6(a)</sup> 

25. Given the ongoing uncertainty and delays with purchase of the new scanners <sup>s6(a)</sup>  has been testing image quality using our current copiers to see if useable digital copies can be produced for publication to avoid further delay with releasing declassified documents.

**Work in progress**

26. Work has commenced to prepare for a Tranche 2 release in about November this year. This will include some of the records listed in **Appendix 2** below.

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## Recommendations

It is recommended that the Panel:

1	Note	s6(a) [REDACTED]	
2	Endorse	Release of digitised declassified records as Tranche 1.	Yes/No
3	Approve	Website text to accompany Tranche 1 s18(d) [REDACTED] s18(d) [REDACTED] for release on the NZSIS website via June/July 2024 (paragraphs 12-13)	Yes/No
4	Note	Publication of the Declassification Policy and supporting information on the NZSIS website.	
5	Approve	To the precedents listed in paragraph 20 above	Yes/No
6	Note	A Tranche 2 release is tentatively planned for November 2024.	

### APPENDIX 1

The following records are recommended for public release as Tranche 1

Title	File reference	Date range
s18(d) [REDACTED]	[REDACTED]	[REDACTED]

APPENDIX 2 Work in progress

Record title	Assessment	Declassification recommendation
CPNZ National Committee vol.1	Reviewed and assessed as of sufficient public interest to outweigh remaining privacy concerns	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft or special privacy issues.
CPNZ National Committee vol.2	Reviewed and assessed as of sufficient public interest to outweigh remaining privacy concerns	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft or special privacy issues.
CPNZ National Committee vol. 3	Reviewed and assessed as of sufficient public interest to outweigh remaining privacy concerns	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft or special privacy issues.
21/2/4 vol.1 CPNZ Policy on industry and trade unions	Reviewed and assessed as of sufficient public interest to outweigh privacy considerations. s6(a)	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft or special privacy issues. s6(a)
21/2/4/1 (TS?) CPNZ activities in industry and trade unions	In progress	
21/2/2 vol.1 CPNZ Policy on public service, armed services, universities, professions, etc.	Reviewed and assessed as of sufficient public interest to outweigh privacy considerations.	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft or special privacy issues. Likely for release as Tranche 2.
s9(2)(a)	Reviewed and assessed as of sufficient public interest to outweigh privacy considerations.	Recommend public release subject to redactions where necessary to protect sources, sensitive tradecraft or special privacy issues. Likely for release as Tranche 2.
Packet 48 from NZ Police files Documents in support of declaring communism illegal	In progress – awaiting resolution of legal privilege issue.	Proposed for Tranche 2
Packet 44 From NZ Police	In progress – awaiting resolution of legal privilege issue.	Proposed for Tranche 2

Files Documents seized from an individual		
Packet 50 From NZ Police files Documents relating to subversion and prosecutions	In progress – awaiting resolution of legal privilege issue.	Proposed for Tranche 2
Packet 36 From NZ Police files Documents relating to subversion and prosecutions	In progress – awaiting resolution of legal privilege issue.	Proposed for Tranche 2
Packet 51 From NZ Police files Documents relating to subversion and prosecutions	In progress – awaiting resolution of legal privilege issue.	Proposed for Tranche 2
21/2/10 vol.1 CPNZ: National Policy on Elections	In progress	
s6(a)		
21/2/3/1 (TS) vol.1	In progress	

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CPNZ National Committee		
PF. BAILEY, Rona Vol.1	In progress	
PF. BAILEY, Rona Vol.2	In progress	
PF. BAILEY, Rona Vol.3	In progress	
s9(2)(a)	Initial assessment to determine if appropriate for full declassification	tbd

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