

### **3.2.1 Declassification**

- a. Declassification is the process of removing the existing security classification from information that was previously classified so that the item is reduced to an unclassified state.<sup>45</sup>
- b. Information is to be declassified as soon as it no longer meets the requirements for classification. An administrative decision may then be made to formally authorise its release into the public domain. The information can also be disposed of or destroyed as an UNCLASSIFIED item.

### **3.2.2 Procedure to declassify information**

- a. The PSR requires the CDF to establish a systematic approach to declassify government information with a rules based process. The criteria of which must —
  - (1) prohibit the indefinite classification of information without transparency;
  - (2) require the policy to be available to the public to improve transparency and accountability;
  - (3) articulate the rules for declassification within the NZDF, which will consider —
    - (b) age of the information;<sup>46</sup>
    - (c) public interest;
    - (d) national security impact;
    - (e) requests for information (Official Information Act 1982; Privacy Act 2020);
    - (f) preservation requirement (risk of loss or deterioration);
    - (g) relevance; and
    - (h) resources available to prioritise review and declassification.
  - (4) be consistent with information and records management practices and decisions;
  - (5) be used to prioritise how resources are allocated;
  - (6) support the declassification programme;
  - (7) establish an appropriate governance framework for declassification; and
  - (8) reflect the value to the NZDF of the declassification programme.

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<sup>45</sup> If declassification cannot achieve the effect of making a classified item fit the classification of UNCLASSIFIED then it can only be reclassified to the lowest suitable level. Declassification is commonly undertaken with archival and aged documents to enable them to be used for public research, archive collection or transferred to a lower level storage facility or destruction.

<sup>46</sup> When an item of information is originally classified, the originator may establish a specific date or event for declassification of the information based on the balance of its national security sensitivity and the public interest. Usually, that date is for a period of ten years but may be longer to protect the source(s) of information or other ongoing sensitivities requiring ongoing protection.

### 3.2.3 Declassification governance

- a. The PSR requires the CDF to establish and operate an appropriate governance framework for declassification that will institute a systematic process for reviewing and releasing classified information in a responsible, accountable and timely manner.
- b. A declassification governance framework must—
  - (1) identify the types of information to be declassified. This could include information related to national security, NZDF military operations, intelligence and security operations and business processes;
  - (2) establish declassification criteria. Once information is identified by type it must be classified following the NZISM and NZDF guidelines, the potential harm that could result from disclosure or any other factors;
  - (3) create a declassification process, this will include a governance process and declassification programme;
  - (4) determine a timeframe for declassification. How long information should remain classified before downgrading (when a lower classification will provide adequate protection) and create a process for regular reviewing and reassessing the classification level status;
  - (5) ensure accountability and transparency. Include regular reporting on the progress of declassification and respond to any public inquiry;
  - (6) monitor and evaluate the effectiveness of the declassification programme including assessment that it delivers value for the public;
  - (7) establish an arbitration process for decisions or conflicting opinions to be considered; and
  - (8) establish conditions so that a final decision on the declassification of an information item can be made.

### 3.2.4 Governance of Information Declassification

- a. As outlined in the PSR, the CDF can direct governance of information declassification to be conducted as a process by a panel (ad hoc), a board, or by appointed Declassification Officers.
- b. **Transparency and accountability.** Whichever method of declassification governance is used, there should be clear mechanisms for oversight and review. This may require oversight by an independent reviewer.
- c. **Exemptions.** Exemptions from automatic declassification (through time or subject or event) may be incorporated into the classification guidance for a particular information document/object but must be justifiable if examined.

### 3.2.5 The NZDF Declassification Programme

- a. The purpose of a declassification programme is to ensure that classified information is declassified in a timely and efficient manner, while still protecting national security and any security obligations to other nations and partners.

- b. The NZDF must appropriately resource a regular programme for declassifying government information in line with NZDF policy and priorities. The NZDF must report transparently on the progress, results and expected value that the programme delivers.
- c. The Declassification Programme is to include—
  - (1) **policy and guidance** for operators of the programme including the criteria for declassification, review procedures and timelines for review and release;
  - (2) **identification of information** process of items eligible for declassification;
  - (3) **the process of declassification** (for the information item in full or in part) and how it is to be made public or released to authorised recipients;
  - (4) **Records management** of declassified material as part of NZDF's overall records management, including storage, retrieval, archive and disposal or destruction;
  - (5) **Training and education** to members of the NZDF and other stakeholders on the declassification programme, the criteria and the importance of protecting national security information; and
  - (6) **Reporting** on the review and release of declassified information holdings.
- d. The Declassification Programme is to prioritise the maintenance of confidentiality and integrity of sensitive national security information while ensuring the most obtainable level of transparency and accountability.