



GOVERNMENT  
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A1288740

14 December 2015

J Whyte

[Fyi-request-3167-3bbbea76@requests.fyi.org.nz](mailto:Fyi-request-3167-3bbbea76@requests.fyi.org.nz)

Dear Mr Whyte

I refer to your request dated 23 September 2015, in which you ask:

- *For copies of every available iteration of the GCSB Policy on personal Information that is statutorily mandated by s 25A of the GCSB Act 2003;*
- *In what ways are fundamental concepts such as necessity, proportionality and reasonableness taken into account before any information is shared?*
- *What is the nature of the privacy safeguards that apply to such information once it is shared overseas? Are there limits on further sharing of that information?*

With regard to the first part of your request, GCSB's policy on personal information is in the final stages of formulation in consultation with the Privacy Commissioner and the Inspector General of Intelligence and Security. I expect an unclassified version of this policy will be available on the GCSB website before the end of February 2016. I am happy to send you a copy of the unclassified policy when it is published on the GCSB website.

I decline to provide the draft versions of the policy under section 9(2)(g)(i) of the Official Information Act 1982 (*the Act*), on the grounds that withholding this information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions between officials. I also decline under section 6(a) of the Act, on the grounds that release of this information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.

In relation to your second query, the information you request is contained within the draft Personal Information Policy and the Government Communications Security Bureau Act 2003. I decline to provide this information under 18(d) of the Act on the grounds that it is or soon will be publicly available.

In response to your third query, for the most part, personal information and all other information held by GCSB is subject to the same internal safeguards because of the operational value of the information. GCSB will only share information in line with domestic legislation and only to those who can receive it lawfully. The information can then be used by the recipient in line with their domestic laws and policies and in some instances GCSB also imposes specific additional restrictions on access to, or use of, that information. Some examples of these restrictions are set out below:

- for some information, GCSB requires that it is only be accessed by approved individuals and in line with GCSB's compliance training and access and audit requirements;
- for some information, GCSB requires that every interaction an individual has with information within a system is logged and auditable;
- for some information, GCSB will classify it in a way that means the dissemination and extraction of information requires specific consent.

I decline to provide any further information held by GCSB relating to the privacy safeguards that apply once personal information is shared overseas under section 6(a) of the Act, on the grounds that release of this information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.

I also decline to provide any further information held by GCSB relating to the privacy safeguards that apply once personal information is shared overseas under section 6(b) of the Act on the grounds that release of this 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.

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

Yours sincerely



Una Jagose  
Director