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V. Roberts

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Dear V. Roberts

Official Information Act Request

Thank you for your correspondence of 20 October 2017 seeking the following information: *"what polices are in place when candidates undergo security vetting, specifically when in the interests of honesty and full disclosure, a candidate makes the NZSIS aware of previous illegal activity for which no conviction has yet been sought. I imagine manuals/guidelines in their entirety on this subject are classified, but a general statement on candidate provided information being used in a subsequent attempt at conviction would be appreciated"*.

The New Zealand Security Intelligence Service (NZSIS) determines a candidate's suitability to hold a national security clearance through an assessment of a number of suitability indicators, including: loyalty, honesty, trustworthiness and an appreciation of protective security responsibilities and obligations. The security clearance assessment process is an examination on a 'whole-of-person, whole-of-life' basis to make a determination of a candidate's suitability to hold a clearance. All available and reliable information about the candidate, past and present, favourable and unfavourable, will be considered in reaching a determination.

Section 220 of the Intelligence and Security Act 2017 states any information obtained by or disclosed to NZSIS for the purpose of a security clearance assessment, may be used for the following purposes only: the security clearance assessment; any other security clearance assessment; and counter-intelligence¹. Therefore, if a person discloses previous illegal activity during the security clearance assessment process, it would be unlawful for NZSIS to share the information with NZ Police for the purposes of securing a conviction.

There are situations however where NZSIS would seek to disclose information about prior offending to the Chief Security Officer of a candidate's sponsoring agency if it is considered that the agency needs to actively manage a security concern. NZSIS has robust procedural

¹ Counter-intelligence means the intelligence activities carried out to identify and counteract the threat, or potential threat, of unauthorised disclosure of official information by a person who holds, or has held, a New Zealand Government-sponsored national security clearance.

fairness policies in place to ensure that candidates are consulted and have a chance to comment before their personal information is shared in this manner. We also firmly stipulate in our letters to agencies that information we provide about a candidate for security clearance purposes is not to be used for disciplinary or Human Resources purposes.

I would refer to the Protective Security Requirements (PSR) for further information about the security clearance assessment process. The PSR can be accessed at: www.protectivesecurity.govt.nz.

If you wish to discuss this response with us, please feel free to contact oa.privacy@nzsis.govt.nz.

I trust this information is of use.

Yours sincerely



Rebecca Kitteridge
Director-General of Security