



12 April 2019

Andrew Crow

Via email: [fyi-request-9869-4eedef0d@requests.fyi.org.nz](mailto:fyi-request-9869-4eedef0d@requests.fyi.org.nz)

45 Pipitea St  
PO Box 805  
Wellington 6140  
New Zealand  
Phone +64 4 495 7200  
Fax +64 4 495 7222  
Website [dia.govt.nz](http://dia.govt.nz)

Dear Andrew

**Official Information Act 1982 (OIA) request dated 18 March 2019 (ref OIA18190568)**

Thank you for your OIA request dated 18 March 2019 to the Department of Internal Affairs (the "Department"). In your request, you asked for information regarding the blocking of websites in the wake of the terrorist attack in Christchurch on 15 March 2019. In your request, you noted the following:

"In the hours after the tragic events in Christchurch, several website[s] were blocked. Sites such as 4chan.

Under the OIA, I would like some facts about this blocking of sites."

As a consequence, you asked the following three questions to the Department:

- "1. Was this by instruction of the government or did ISP's decide to block sites of their own decision?
2. Under what relevant law was this done?
3. Have there been requests to block 4chan in the past? By which I mean has a member of the Government or member of the public asked that the Department block 4chan at any time before March 15th. Was it blocked? If not then why not?"

In addition, you also asked for any documents related to the blocking of sites post the Christchurch attacks.

**Request one**

The Department has not blocked any websites based in New Zealand. In addition, the Department is not aware of the Government instructing any organisation or company to block access.

The Department contacted key Internet Service Providers (ISPs) to confirm that the video file depicting the terrorist attack in Christchurch (the "video file") had been classified as an objectionable publication. ISPs independently decided to temporarily block sites or forums actively hosting or encouraging the distribution of the video file. This was done under their own Terms and Conditions.

The Department has also informed social media platform providers that the video file is an objectionable publication and therefore it is an offence in New Zealand under the Films, Videos, and Publications Classification Act 1993 (the "Act") to view it (including watching it online without downloading it) or to distribute it (including hosting it, sharing it, or linking or showing it to other people). The Department considers this to include news media edits of the video file.

Social media platforms have responded positively to this and are voluntarily removing material as it is objectionable and does not align with their own Terms and Conditions.

### **Request two**

Any blocking of websites has been voluntarily undertaken by ISPs in their capacity as private companies under their own Terms and Conditions.

The Department has confirmed with the ISPs that the video file is an objectionable publication under the Act as it depicts and promotes extreme violence and terrorism. The Chief Censor has officially classified this material as objectionable, and a report setting out his decision is publicly available.

The Act states that a "publication" (which includes electronic or computer file) is objectionable if it describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good. This includes a publication, such as the video file, that depicts the infliction of serious physical harm or significant cruelty, demeans the dignity of the victims depicted, or promotes or encourages criminal acts or acts of terrorism.

### **Request three**

The Department is not aware of any request to block the website, 4chan, in the past. I am therefore refusing this part of your request under section 18(g) of the OIA because no information is held by the Department on this matter.

### **Request for any documents relating to the blocking of sites**

In summary, I am refusing this part of your request under sections 6(c), 9(2)(ba)(i) and 18(f) of the OIA.

Section 6(c) of the OIA applies, as releasing the documents in question would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences. In particular, providing the documents would assist persons in obtaining objectionable publications (i.e., the video file and the manifesto), which is a criminal offence to possess, and it would prejudice efforts made to prevent access to objectionable publications.

The documents are also withheld under section 9(2)(ba)(i) of the OIA in order to protect information which is subject to an obligation of confidence, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and where it is in the public interest that such information should continue to be supplied. In particular, providing the documents would prejudice the reputation and commercial position of ISPs who communicated with the Department on a confidential basis, and it would prejudice the relationship and potential for future cooperation between ISPs and the Crown.

The Department considers that the withholding of information under section 9(2)(ba)(i) is not outweighed by other considerations which render it desirable, in the public interest, to make the information available.

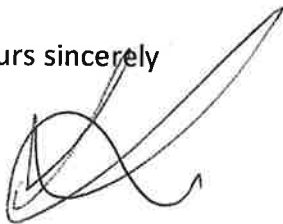
Additionally, this part of your request is refused under section 18(f) of the OIA, as, due to the extremely high volume of material related to the blocking of sites post the Christchurch attack, substantial manual collation and research would be necessary to identify information to which neither section 6(c) nor section 9(2)(ba)(i) apply. This would involve a search through a large quantity of information, and consequently the time required to find and bring the information together would be significant.

The Department does not consider that charging or extending the timeframe for responding to your request would be a suitable option for managing the substantial collation and research needed in this case, as it is not possible to adequately calculate how much time would be needed in this instance.

Due to the way the information is held, and the fact that the relevant content is withheld under sections 6(c) and 9(2)(ba)(i) of the OIA, the option of consulting with you on the refining of your request was not considered appropriate at this time.

If you are dissatisfied with my decision on your request for information, you have the right, under section 28 of the OIA, to make a complaint to the Office of the Ombudsman. The Office of the Ombudsman can be contacted by phone on 0800 802 602, via post at PO Box 10152 Wellington, or via email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jolene Armadoros', written over a light blue circular stamp.

**Jolene Armadoros**  
Director  
Digital Safety