



New Zealand  
Security Intelligence  
Service

Te Pā Whakamarumarū

DMS42-6-4288

New Zealand  
Security Intelligence Service  
PO Box 900, Wellington

P +64 4 472 6170

F +64 4 472 8209

[www.security.govt.nz](http://www.security.govt.nz)

8 November 2019

Mahrukh Sarwar

[fyi-request-11213-5c1d35f3@requests.fyi.org.nz](mailto:fyi-request-11213-5c1d35f3@requests.fyi.org.nz)

Dear Ms Sarwar

### **Official Information Act Request**

Thank you for your Official Information Act 1982 (OIA) request of 13 September 2019 seeking information to assist you in your engagement with the Royal Commission of Inquiry. The New Zealand Security Intelligence Service (NZSIS) extended the timeframe to respond to your request to 8 November 2019.

I would like to start by saying that the NZSIS recognises the importance of the Royal Commission of Inquiry into the Attack on Christchurch Mosques and is openly and fully cooperating with the Commission's process. The terrorist attacks on Christchurch's Al Noor Mosque and Linwood Islamic Centre on 15 March 2019 took the lives of 51 people, and affected many families, friends, and communities. The attacks were abhorrent and raised important questions about what happened in the lead-up to that day and the performance of state sector agencies.

My responses to your specific questions are below. I note that you have provided the following time periods and my responses below are in relation to all of those time periods:

Period A: October 2017 – present

Period B: November 2008 – October 2017

Period C: December 1999 – November 2008

Period D: November 1990 – November 1999

Please note that some questions in your original request referred to the GCSB ('Government Communications Security Bureau'). I understand this to have been a mistake, and have therefore changed all instances of "GCSB" to "NZSIS."

### **Relevant mentions**

**1. Copies of SIS documents, correspondences and addresses (including but not limited to emails, letters, and presentations), for periods A, B, C and D, referring to any of the following terms:**

- a. Arab / Muslim / Islam / Islamist / Islamicist / Jihadist /**
- b. Terrorists / Extremists / Radical / Far-right / White supremacy**

NZSIS's Annual Reports contain information about the work we do each year, some of which will include references to one or more of these terms. These Annual Reports can be found online at [www.NZSIS.govt.nz](http://www.NZSIS.govt.nz).

Beyond this, I must refuse this request under section 18(f) of the OIA: the information cannot be made available without substantial collation or research. Identifying relevant documents within the scope of this part of your request would require significant manual searching through a very large number of documents. I do not consider that an extension of the timeframe for responding to your request would enable the NZSIS to provide a response.

For your understanding, it is also important to note that even if we did have the capacity to compile this information, the vast majority of it would need to be withheld in order to protect national security. For example, NZSIS has sent briefings and reports containing the relevant terms to the Minister responsible for NZSIS and to other audiences (such as New Zealand government agencies and foreign partners). Due to the sensitive security matters addressed in these documents, NZSIS would have to refuse to provide you with copies of them or further information about them, as to do so would prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand, and 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 another Government. Sections 6(a) and 6(b)(i) of the OIA permit refusing your request on these grounds.

**2. How many, and which organisation or individual(s), have provided any consultation or training or advice to the SIS on matters relating to:**

- a. Arab / Muslim / Islam / Islamist / Islamicist / Jihadist /
- b. Terrorists / Extremists / Radical / Far-right / White supremacy

The security threats New Zealand faces are constantly changing and therefore NZSIS must constantly upskill to ensure we are prepared to fulfil our statutory function to contribute to the protection of national security. I can confirm that NZSIS has received training and advice on extremism, from both individuals and organisations, as a result of our relationships with partner agencies (including both domestic and international agencies).

As you can imagine, particularly in a small country like New Zealand, it is absolutely crucial that NZSIS continues to receive this training and advice. I consider that it is likely partner agencies would be reluctant to provide this if they believed information relating to this training and advice would be likely to be made public. Therefore, beyond the information I have provided above, I must refuse the remainder of your request under sections 6(a) and 6(b) of the OIA as the release of this information would be likely to prejudice the security or defence of New Zealand or the international relationships of the Government of New Zealand, as well as 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.

I have also provided further information about some training courses accessible to NZSIS staff in my response question 7.

**Transparency as to role**

**3. All interviews, speeches and lectures on the topic of the 'Role of the SIS' from periods A, B, C and D.**

In my time as Director-General I have given a number of speeches that discuss the role of the NZSIS. The majority of these speeches are available on the NZSIS's website, at [www.nzsis.govt.nz/news/category/director-general-speeches](http://www.nzsis.govt.nz/news/category/director-general-speeches).

A search was conducted for any speeches or interviews that are not available on the website, for the time periods A, B, and C. Enclosed are the following speeches or speaking notes:

- Former Director of Security Richard Wood's talking points that were used at a number of Rotary Club meetings in 2002-2003;
- Former Director of Security Dr Warren Tucker's opening address at the New Zealand Intelligence Seminar, 23 May 2007;
- Dr Warren Tucker's speech at the International Conference of Information Commissioners, 26 November 2007;
- my 2016 speech to the Australian National University;
- my speaking notes from my address at the 2017 Islamic Women's Council's annual conference; and
- my speech to the Ombudsman Association Conference from May 2018.

It is important to note that the legislation referred to in Mr Woods' and Dr Tucker's speeches is no longer the legislation that governs the NZSIS. Prior to 2017, there were four separate Acts governing New Zealand's core security and intelligence agencies, and their oversight bodies. One of these Acts was the Intelligence and Security Committee Act 1996. The Intelligence and Security Act 2017 (ISA) replaced the four previous Acts with one piece of legislation, making the law easier to understand and access.

A key objective of the ISA was to ensure the public is better informed about the intelligence and security agencies' work and the legal parameters under which we operate. You can find a full copy of this legislation online at [www.legislation.govt.nz](http://www.legislation.govt.nz). I have attached a summary of some aspects of the legislation that I thought might interest you (Appendix A). You can also see Ministerial Policy Statements on the New Zealand Intelligence Community's website ([www.nzic.govt.nz](http://www.nzic.govt.nz)). This will help you understand how NZSIS operates in practice (and I provide more information about the Ministerial Policy Statements later in my letter).

I must withhold some speeches under section 6(a) of the OIA as the release of the information would prejudice the security or defence of New Zealand. Furthermore, I must refuse to provide information for period D under section 18(f) of the OIA as the information cannot be made available without substantial collation or research.

The role of the NZSIS is also discussed in each of the NZSIS's Annual Reports. As mentioned above, copies of these reports from 2002 to the present can also be found on the website, at [www.nzsis.govt.nz/resources/annual-reports](http://www.nzsis.govt.nz/resources/annual-reports).

## **Engagement with Muslim Community**

### **4. The dates of all meetings with Muslim organisations in New Zealand and minutes of such meetings from periods A, B, C and D.**

NZSIS has been engaging with the New Zealand Muslim community for over 15 years, and continues to do so. NZSIS maintains a Community Engagement Programme which involves NZSIS officers tasked with understanding the social, political, economic, and security related issues impacting the many ethnic communities in New Zealand.

NZSIS is aware that there is a range of Muslim communities in New Zealand, including Sunni, Shia and Ahmadiyya communities. In engaging with these communities, NZSIS needs to respect their different perspectives. There is no one person or organisation that speaks for all of these

communities, and so it is important that NZSIS engages with a broad range of individuals and groups.

NZSIS's objectives in engaging with various Muslim groups and communities have been to create relationships of trust so that there can be an open dialogue between us on matters of security concern or mutual interest, and to improve NZSIS's wider understanding of issues impacting these communities. The Muslim community is an important part of the New Zealand community that NZSIS serves. For your information, I have enclosed a pamphlet the NZSIS created specifically for its Community Engagement Programme.

The NZSIS meets regularly with many individuals from a wide variety of communities, including Muslim communities, throughout New Zealand. As you will understand, it is crucial that NZSIS continues to receive information and reports of security concern from these communities. Therefore, I must refuse your request under sections 6(a) and 9(2)(ba)(i) of the OIA, as the release of this information would prejudice the security or defence of New Zealand, and 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.

I can, however, provide information about the relevant meetings I personally have attended in my role as Director-General of Security. This information is detailed below.

I have met with representatives from Federation of Islamic Associations New Zealand (FIANZ) and with the Islamic Women's Council of New Zealand (IWCNZ). In addition, I have attended and spoken at the Annual General Meetings of the IWCNZ, and attended the Eid al-Fitr celebrations at Parliament as an official guest.

#### **FIANZ**

I have endeavoured to meet with each FIANZ President at the beginning of their tenure. Both the NZSIS and FIANZ have the same goal: a safe and secure New Zealand and these meetings are an important way of keeping the lines of communication between our organisations open at a senior level. National security issues do not relate to "Muslims" or "Islam" but to misguided individuals. These meetings have enabled me to clarify NZSIS's role in dealing with national security issues and discuss how our approach often relies on engaging with the public for assistance and information. These meetings have also been a place for FIANZ to discuss the issues impacting their community, and to discuss ways in which we can better assist.

The inaugural meeting took place at NZSIS Headquarters in Wellington on the 30th April 2015 with the then-President, Dr Anwar Ghani, and on 31st March 2016, I met with then-President Mr Hazim Arafeh (also at NZSIS Headquarters in Wellington). I also met with the current President of FIANZ, Mr Mustafa Farouk, on 24 September 2019.

#### **IWCNZ**

I have met with representatives of the Islamic Women's Council of New Zealand (IWCNZ) on a number of occasions. At our first meeting in October 2016, a range of matters was discussed, including the IWCNZ's focus on developing a strong New Zealand Muslim identity, the challenges faced by the community such as discrimination and Islamophobia, the importance of engagement at the political level, and IWCNZ's focus on youth (particularly in areas of education and inclusion). We agreed that both organisations were interested in an inclusive, tolerant society in which all communities can thrive and prosper.

I also attended the opening sessions of the IWCNZ Annual Conferences in July 2017 and March 2018. At the 2017 meeting, I presented a speech on the role of the NZSIS. A copy of my speaking notes from the 2017 meeting have been enclosed with this response (also referenced my response to question 3).

**5. On how many occasions were Parliamentarians directly involved in meetings with the SIS for periods A, B, C and D? How many of these involved or pertained to a person(s) from the Muslim community?**

The NZSIS meets with a number of Members of Parliament (such as the Prime Minister, Right Honourable Jacinda Ardern in her capacity as the Minister of National Intelligence and Security, Hon Andrew Little as the Minister responsible for the NZSIS, and Mr Simon Bridges as the Leader of the Opposition) on various occasions to discuss matters relating to national security. I must refuse to provide further details about these meetings (such as when they occurred or what they pertained to) under sections 6(a) of the OIA as release of the information would prejudice the security or defence of New Zealand.

In addition, the demographic information of the people who attend such meetings is not recorded, and accordingly the NZSIS does not hold information about how many of these meetings involved or pertained to persons from the Muslim community. I must refuse this request under section 18(g) of the OIA because the information requested is not held by the NZSIS, nor do I have reason to believe it is held by another agency.

However, I thought you might be interested to know that NZSIS has a statutory duty to act independently and impartially when performing our operational functions (see section 17(b) ISA). The importance of being politically neutral is something that all new staff members are trained on when starting work with NZSIS and a principle I am personally very conscious of in all that I do. It is very important that NZSIS's statutory functions are not used in a politically biased manner and that we are committed to acting with integrity and in a manner that facilitates democratic oversight.

**6. How many experts on the Muslim Community or faith have you engaged or consulted over the periods A, B, C and D?**

As mentioned earlier (please see my responses to questions 2 and 4), the NZSIS meets regularly with many individuals from a variety of Islamic communities throughout New Zealand, and we actively seek out more contacts. I can advise that NZSIS officers have received Islamic Awareness training provided by international and domestic external experts.

I must refuse to provide any further information under sections 6(a) and 9(2)(ba)(i) of the OIA as the release of the information would prejudice the security or defence of New Zealand, and 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.

**Level of cultural training**

**7. Copies of staff training documentation and audio-visual programmes on Islam and Muslim from periods A, B, C and D.**

Aside from the training and guidance discussed in response to questions 2 and 6, NZSIS staff have access to courses that are shared across the NZSIS and GCSB.

In 2016 and 2017, our Learning and Development team offered staff the opportunity to attend an externally supplied two-day course called "Introduction to Islam and the Muslim World." This course was well-attended and provided an overview of the Islamic world; basic terminology; major religious holidays; the role of Sheikhs/Imams; and women in Islam. It also focussed on the main streams of Islam and the differences in beliefs and practices.

There was a special focus on the history and politics of Islam, and the background to current events and conflicts. The course also covered Islam in multicultural societies, with a focus on New Zealand.

Since early 2018, staff have had the opportunity to attend a half-day workshop called "Islam and the Muslim World." This workshop aims to build understanding of the Islamic world; its past, contemporary and possible future issues. The focus is on giving a practical understanding of how Islam is practiced and how this resonates in New Zealand society and around the world. There is currently a waiting list of staff wanting to participate in the next session of this course.

As these courses were supplied by external providers, I am unable to provide copies of the training documentation as to do so would be likely to unreasonably prejudice the commercial position of the person who supplied the information (section 9(2)(b)(ii) of the OIA). In addition, I cannot reveal the names of external suppliers as to do so would be likely to prejudice the security or defence of New Zealand (section 6(a) of the OIA).

#### **8. What professional cultural advice or training or resources has the SIS requested or received on Islam or Muslims for periods A, B, C and D?**

Please refer to the response to question 6 and to question 7.

#### **Warrants**

#### **9. The annual reports list warrants that allow SIS to monitor people but do not specify why they have been issued. What were the warrants issued for between 2002 and 2018? Were any of these warrants for white supremacists?**

It would be detrimental to New Zealand's national security should I disclose any information that might reveal areas of NZSIS focus or capability. I therefore must withhold the reasons for issuing of warrants under section 6(a) of the OIA as the release of the information would prejudice the security or defence of New Zealand.

It is important to note that there is a robust process in place for NZSIS to obtain a warrant. In seeking the authority to undertake activities that would otherwise be unlawful, NZSIS is required to satisfy the warrant issuers of a number of matters, including:

- a warrant is necessary for NZSIS to fulfil one of its statutory functions;
- the activities will be proportionate to the level of threat; and
- that NZSIS will minimise its impact on third parties.

In addition to this strict threshold, an independent oversight body, the Inspector-General of Intelligence and Security, reviews every warrant issued. You can find out more about NZSIS's oversight mechanisms (such as the Intelligence and Security Committee and the Inspector-General of Intelligence and Security) at [www.nzsis.govt.nz/about-us/oversight](http://www.nzsis.govt.nz/about-us/oversight).

#### **Diversity**

**10. What is the list of ethnicities of the staff of the NZSIS for the last financial year?**

**Table 1:** Ethnic identity within the NZSIS in the 2018/19 financial year

	2018/19
New Zealand European & European	71.3%
New Zealander	27.4%
Māori	5.0%
Asian	5.7%
Pacific Island	2.8%
Middle Eastern, Latin American, & African	1.6%
Other	0.3%

Please note that these metrics cover the number of employees who identify themselves as having a certain ethnicity. They are calculated by taking the number of people who identify as being a certain ethnic group, divided by the number who have provided an ethnic group. Metrics are taken 'as at 30 June 2019.' Employees can identify as multiple ethnicities.

NZSIS staff are all required to hold the highest level of national security clearance, which involves a robust vetting process requiring a checkable history of 15 years or back to age 18 (in New Zealand and/or in a country where we can check a candidate's history. You can read more about this on the PSR website [www.protectivesecurity.govt.nz/national-security-clearances](http://www.protectivesecurity.govt.nz/national-security-clearances). I am working to ensure diversity in our workplace but the lack of a 15 year checkable history (in New Zealand and/or in a country where we can check a candidate's history) can pose barriers for some applicants.

The NZSIS and GCSB have a joint Diversity and Inclusion Strategy, which was launched in April 2018. The Strategy sets out how we will make our agencies a place that is welcoming to everyone and values the strengths they bring. Both agencies understand that with a more diverse and inclusive culture, we will foster new ideas, innovation and insights which support us to be successful in our mission to keep New Zealand and New Zealanders safe. You can find the link to the strategy on the NZSIS website at: [www.nzsis.govt.nz/assets/media/Diversity-and-Inclusion-Strategy.pdf](http://www.nzsis.govt.nz/assets/media/Diversity-and-Inclusion-Strategy.pdf).

**11. What is the ethnic cultural composition over the periods A, B, C and D of your**  
**a. senior management**  
**b. senior operational staff**

With regards to question 11a, please see Table 2, attached in Appendix B, which provides the ethnic identity of the NZSIS's senior management staff over the period 2004 - 2019, being periods A, B and part of C. The NZSIS does not hold this type of information for the years 1990 - 2003 (part of time period C and D), and I must therefore refuse this part of your request under section 18(g) of the OIA: the information requested is not held, nor do I have reason to believe it is held by another agency.

With regards to question 11b, the NZSIS does not measure the ethnic identity of senior operational staff separately from the whole organisation. Therefore I must decline this request under section 18(f) of the OIA, on the grounds that the information requested cannot be made available without substantial collation.

## **Advice from other relevant states**

### **12. What are the number of people from the UK, US, Canada and Australia who have been appointed as staff or have been consulted for the periods A, B, C and D?**

Please see Table 3, in Appendix B, for the number of people from the UK, US, Canada and Australia who have been appointed as staff within the NZSIS since 2009 (time periods A and B of your request). The NZSIS does not hold this type of information for the years 1990 – 2008 (time periods C and D of your request), and I must therefore refuse this part of your request under section 18(g) of the OIA: the information requested is not held, nor do I have reason to believe it is held by another agency.

New Zealand is part of a global intelligence community; primarily the Five Eyes network (which includes the UK, US, Canada and Australia). Through these relationships we are able to draw on the knowledge and expertise of partners. Releasing further information provided by our foreign partners would risk giving insights into New Zealand's national security and intelligence capabilities to those who may wish to do New Zealand harm. I must therefore refuse the rest of your request under section 6(a) and 6(b)(i) of the OIA as the release of the information would prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand and 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.

## **Prioritisation methods**

### **13. What methods does the SIS use to determine priorities regarding threats to national security?**

The NZSIS does not decide its own areas of focus. NZSIS investigates matters in accordance with our legislation and the National Security and Intelligence Priorities (NSIPs) set out by Cabinet. The Department of the Prime Minister and Cabinet (DPMC) leads the periodic review of the NSIPs to ensure they reflect current areas that could impact New Zealand's national security. Longstanding focus areas include counter-terrorism, espionage, and foreign interference. The full list of current NSIPs can be found on page 85 of DPMC's 2019 Annual Report. This Annual Report can be found online at [www.dPMC.govt.nz/publications/annual-report-2019](http://www.dPMC.govt.nz/publications/annual-report-2019).

### **14. How do security agencies identify threats as either "potential threats" or "possible threats" or "imminent threats"?**

The Combined Threat Assessment Group (CTAG) is an interagency group responsible for assessing the terrorism threats to New Zealand and New Zealand's interests. They provide independent assessments to a wide range of government agencies detailing any threats posed by terrorism. CTAG is comprised of a number of government agencies, including NZSIS, GCSB, New Zealand Defence Force and New Zealand Police.

CTAG uses both classified and publicly available information from domestic and international sources to produce assessments about the threat of terrorism. This involves looking at a threat actor's intent to conduct an attack, and their capability to do so successfully. While this is ultimately a qualitative and analytical judgement, CTAG uses structured analytical techniques and tools to assist with their assessment and works closely with other government agencies.

You can find out more about CTAG at [www.nzsis.govt.nz/our-work/counter-terrorism/combined-threat-assessment-group-ctag/](http://www.nzsis.govt.nz/our-work/counter-terrorism/combined-threat-assessment-group-ctag/).



## **Action on warrants and white extremism threats**

**15. Where warrants were issued for white supremacists, how were those warrants actioned? 16. How much time, cost and other resources were expended in investigating those warrants obtained? 17. How much time, cost and other resources were expended in investigating whether further warrants may be needed? 18. How much resources, including financial resources, were devoted to monitoring white extremism during the periods A, B, C and D?**

As I said in response to Question 9, it would be detrimental to New Zealand's national security if I were to disclose anything that might reveal NZSIS's areas of focus or capabilities. Therefore I must refuse to provide any further information about specific warrants, how they were actioned, and what resources (including time and cost) were used in investigating those warrants or whether further warrants were needed, under section 6(a) of the OIA as release of the information would prejudice the security or defence of New Zealand.

I can say that, prompted by global indicators around violent right-wing extremism, the NZSIS started proactively looking at this area nine months prior to the Christchurch mosque attacks.

Following the Christchurch mosque attacks, the NZSIS initiated several specific investigative and operational responses. This included expanding efforts to seek to identify any individuals who may be intent on planning, facilitating, supporting, encouraging or inciting attacks in New Zealand, motivated by a violent right-wing extremist ideology.

The Christchurch attacks also prompted a large number of people to contact NZSIS to report concerns about people who had expressed racist, Nazi, identitarian, or white supremacist views. The leads primarily came through the channels promoted on the NZSIS website, which can be found here: <https://providinginformation.nzsis.govt.nz>. Each of these messages were leads that the NZSIS assessed and investigated as further whenever necessary.

## **Overall resource dedication**

**19. How much resources, including financial resources, were devoted to monitoring non-white communities, including Muslim and Maori communities, during the periods A, B, C and D? 20. How much resources, including financial resources, were devoted to monitoring other groups such as animal rights, environment and health activists, during the periods A, B, C and D? What are those groups?**

As I stated above, it would be detrimental to New Zealand's national security if I were to disclose anything that might reveal NZSIS's areas of focus or capabilities. Therefore I must refuse to provide any further information about resources the NZSIS uses, or information about our specific areas of interest, under section 6(a) of the OIA as release of the information would prejudice the security or defence of New Zealand.

It is important to note that the NZSIS does not take any action in respect of any person solely because they are exercising their right to advocate, protest or dissent. The NZSIS is subject to the ISA. The ISA expressly states that its purpose is to "protect New Zealand as a free, open and democratic society." In addition, section 19 of the ISA states, "The exercise by any person in New Zealand ... of their right to freedom of expression under the law (including the right to advocate, protest, or dissent) does not of itself justify an intelligence and security agency taking any action in respect of that person ...". In all circumstances, our legislation requires that we act in accordance with New Zealand law and human rights obligations.

**21. How much resources were devoted to the monitoring and operations leading to the Urewera raids?**

The New Zealand Security Intelligence Service does not provide details which may or may not be operationally sensitive and disclose our interest. This is because confirming whether information is held or not held on various topics could provide an indication of where NZSIS interests lie or equally importantly, where they do not lie. This could compromise our effectiveness and limit our ability to achieve our objectives.

Therefore I neither confirm nor deny the existence or non-existence of this information. This response is given within the terms of section 10 of the OIA, and the interests protected by section 6 of the OIA would be likely to be prejudiced by the disclosure of the existence or non-existence of such information. Receiving a section 10 "neither confirm nor deny" response should not therefore lead you to conclude that the information you have asked for is either held, or not held.

**22. What has prevented more proportionate and appropriately conducted raids from being carried out against white supremacist groups?**

The NZSIS is an intelligence agency rather than one with any enforcement function. As such, we cannot carry out raids or any other kind of enforcement activity. The NZSIS investigates matters in accordance with our legislation and the priorities set out by Cabinet (please see my response to question 13 for more information on the priorities).

**23. What was the reason the SIS understands for the cause of**

- a. missing the Christchurch attacker**
- b. less attention paid to white extremism**

I am limited as to what I can say regarding the Christchurch attacker due to the on-going Police investigation and the Royal Commission of Inquiry into the Attack on Christchurch Mosques. I can confirm that the alleged perpetrator was not ever brought to the attention of NZSIS prior to the Christchurch mosque attacks and was not known to our Australian counterpart. Beyond that, I must refuse this request under section 6(c) of the OIA: the making available of this information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

As you are aware, the Royal Commission of Inquiry into the Attack on Christchurch Mosques has been set up to look into what measures agencies could have taken to prevent the March 15 Attacks and what measures agencies should take to prevent such attacks in future. The NZSIS is cooperating fully with the Commission, which includes answering any questions they pose to the agency. Some information which was created for the Commission falls within the scope of this request. However, under section 15(a) of the Inquiries Act 2013, the Inquiry has forbidden the publication of any information specifically created to help the Inquiry. Accordingly I must refuse to provide this information under section 18(c)(i) of the OIA: the making available of this information would be likely to be contrary to the provisions of a specified enactment (being section 15(a) of the Inquiries Act 2013).

## **Methodology of categorisation**

### **24. How do the SIS distinguish between white supremacists and far-right extremist groups?**

The NZSIS is interested in extremist ideologies insofar as they support, promote or incite violence. Our focus is on those with extreme views who are intending to cause harm, and/or facilitate acts of violence in support of their ideology. There are many slightly different ideologies that overlap with each other and do not neatly fit into categories.

### **25. How does the SIS distinguish between white and non-white groups?**

The NZSIS is focused on the risk of violence inspired by extremist ideologies and does not distinguish between white and non-white groups.

## **Level of external accountability**

### **26. On how many occasions has there been a review of policies regarding Muslims by any persons outside the SIS for periods A, B, C and D?**

The NZSIS does not have policies regarding Muslims. Therefore I must refuse your request under section 18(e) of the OIA as the documentation alleged to contain the requested information does not exist.

As I have previously said publicly, the Muslim community is an important part of New Zealand's diverse population and NZSIS's security interest is not in the Muslim community itself, but in individuals who adhere to a different interpretation of Islam that might inspire them to do harm to New Zealand or New Zealanders.

The Inspector-General of Intelligence and Security (IGIS) is a statutory officer providing independent external oversight and review. The IGIS reviews both the NZSIS and GCSB's compliance procedures and systems and reviews every warrant and Ministerial Policy Statement. The IGIS is authorised to see any material held by the agencies, including sensitive operational information and policies, in order to fulfil these oversight and review functions. You can find out more about the IGIS online at [www.igis.govt.nz](http://www.igis.govt.nz).

## **Consultation with experts**

### **27. How many experts on far-right extremism have you engaged or consulted over the periods A, B, C and D? 25. How many experts on other ethnic or religious nationalism or extremism have you engaged or consulted over the periods A, B, C and D?**

Countering terrorism and violent extremism is an important part of the security intelligence work of the NZSIS. Through our international and domestic relationships we are able to draw on the knowledge and expertise of other organisations. I am unable to be more specific about the information provided, or who provided it, as providing information that would reveal areas of NZSIS focus or capability this would be detrimental to New Zealand's national security and could prejudice the international relationships of the Government of New Zealand (section 6(a) of the OIA). It would also 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 6(b)(i) of the OIA).

However, as mentioned previously, NZSIS is interested in all extremist ideologies insofar as they support, promote or incite violence, and given global indicators around violent right-wing

extremism, the NZSIS had been proactively looking at this area for nine months prior to the Christchurch mosque attacks.

### **Policy Reform**

**28. What cultural intelligence and cultural awareness and sensitivity training and reform arose out of the consequences of the Ahmed Zaoui Case? 29. What cultural intelligence and cultural awareness and sensitivity training and reform arose out of the consequences of the Urewera Raids?**

Although we regularly review our performance and learn lessons from events, we do not hold any records stating that any cultural awareness training has changed as a result of any particular incident. Therefore, I must refuse your request under section 18(e) of the OIA as the documentation alleged to contain the requested information does not exist.

### **General questions**

**30. How does the SIS claim it properly prioritises and curate their intelligence given their lack of key target community and lack of cultural contextual understanding of the communities under threat (or of some threat)? 31. How does the SIS claim to properly curate their intelligence given their approach to a key target community lacks any multi-dimensional integration or reflection of the complexity of those communities? 32. How can the SIS expect to properly prioritise and curate their intelligence when the government and the society in which it operates and informs their work have not undertaken any substantive engagement with the world's second largest faith community?**

The NZSIS's work is not prioritised on the basis of race. As a government department, we are accountable to the Government of New Zealand which sets the National Security and Intelligence Priorities, which guide all our work.

As mentioned earlier, the NZSIS maintains a Community Engagement Programme which involves NZSIS officers tasked with understanding the social, political, economic, and security related issues impacting the many ethnic communities in New Zealand. I acknowledge that there is no one person or organisation that speaks for all of these communities, and so it is important that NZSIS engages with a broad range of individuals and groups. The NZSIS is always seeking to broaden its relationships within the communities that make up New Zealand. Through building and maintaining good working relationships, NZSIS provides the community with a public face to engage with about national security-related issues.

As the NZSIS's role is to gather and evaluate intelligence about current and emerging issues and threats relevant to New Zealand's national security, any information we are provided that falls outside the national security and intelligence priorities (for example, something that appears to be purely criminal) might be referred to another agency, such as the New Zealand Police.

**33. How many people have been suspected of supporting Serb-nationalism or the Bosnian Genocide since 1995?**

The NZSIS does not provide details which could be operationally sensitive and disclose our interests. Therefore I neither confirm nor deny the existence or non-existence of this information. This response is given within the terms of section 10 of the OIA because the interests protected by section 6(a) of the OIA (the security or defence of New Zealand and the international relations of the Government of New Zealand) would be likely to be prejudiced by the disclosure of the existence or non-existence of such information.

If you wish to discuss my response, please feel free to contact [oa.privacy@nzsis.govt.nz](mailto:oa.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.

Yours sincerely



Rebecca Kitteridge  
Director-General of Security

## Appendix A

### Overview of the Intelligence and Security Act 2017

1. On 28 March 2017 the Intelligence and Security Act 2017 (the Act) was passed into law. A small number of the provisions of the Act entered into force on 1 April 2017. The remainder of the Act entered into force on 28 September 2017.

#### Background - Independent Review

2. Changes to the law in 2013 required the Government to carry out a periodic review of the intelligence and security agencies, the legislation governing them and their oversight legislation.<sup>1</sup> In 2015 the New Zealand Government commissioned an independent review of the New Zealand Security and Intelligence Service (NZSIS) and the Government Communications Security Bureau (GCSB). The terms of reference for the review were set by the Acting Attorney-General who described the purpose of the review as being to determine whether:
  - a. the legislative frameworks of the agencies are well placed to protect New Zealand's national security, while protecting individual rights; and
  - b. the current oversight arrangements provide sufficient safeguards at an operational, judicial and political level to ensure the agencies act lawfully and maintain public confidence.
3. The terms of reference for the review did not allow for a recommendation that the GCSB and NZSIS be combined. The Acting Attorney-General specified that "traditionally, signals and human intelligence have been carried out separately and the Government does not intend to consider merging those functions with a single agency."
4. The reviewers' report contained 107 recommendations, most notably a proposal to replace the legislation governing the agencies and their oversight agencies with a single Act. The review expressed concern about unnecessary barriers to co-operation between the intelligence and security agencies, and with other public sector agencies such as the Police.
5. The recommendations in the report can be broadly grouped as follows:
  - a. bringing the intelligence agencies under a single Act, including shared objectives and functions and a single warranting and authorisation regime, and enabling better cooperation between the agencies;
  - b. institutional arrangements, with a view to bringing the intelligence agencies into the normal state sector arrangements, with exceptions as appropriate;
  - c. ensuring all activities are the subject of clear legal authorisation;

---

<sup>1</sup> Intelligence and Security Committee Act 1996, s 21.

- d. addressing a number of issues in legislation for the first time, including bringing human intelligence activities within the legislative framework and providing for certain issues relating to access to and sharing of information; and
  - e. enhancing oversight and safeguards through strengthening and clarifying the Inspector-General of Intelligence and Security's oversight of the agencies, expanding the role of the Intelligence and Security Committee, and provision for a judicial role with the warranting and authorisation framework.
6. In response to the reviewers' recommendations, the Government passed the Act. The Act gave effect to many of the reviewers' recommendations.

## **The Intelligence and Security Act 2017: key elements**

### **Purpose**

7. The Act establishes a single legislative regime for the NZSIS and GCSB, as well as the agencies' oversight bodies. As such it combines four legislative regimes into one, as well as addressing necessary amendments to associated legislation.<sup>2</sup> For the NZSIS and GCSB, the Act provides for a common purpose and shared objectives and functions.
8. The purpose of the Act is described as being "to protect New Zealand as a free, open and democratic society." The agencies' three principal objectives are to contribute to:<sup>3</sup>
  - a. the protection of New Zealand's national security;<sup>4</sup>
  - b. the international relations and well-being of New Zealand; and
  - c. the economic well-being of New Zealand.
9. The Act allows for the continuation of the NZSIS and the GCSB<sup>5</sup> as two separate agencies with distinct capabilities. Both agencies are now public service departments.<sup>6</sup>

### **Agency Functions**

10. The agencies' shared key functions<sup>7</sup> are:
  - a. intelligence collection and analysis;

---

<sup>2</sup> The Act replaced the New Zealand Security Intelligence Service Act 1969, Government Communications Security Bureau Act 2003, Inspector-General of Intelligence and Security Act 1996 and the Intelligence and Security Committee Act 1996. Amendments also occurred to associated legislation, including to the Customs and Excise Act 1996, Immigration Act 2009, Passports Act 2002 and to the Privacy Act 1993.

<sup>3</sup> Section 9.

<sup>4</sup> "National security" is not defined in the Act.

<sup>5</sup> Sections 7 and 8.

<sup>6</sup> Therefore subject to the State Sector Act 1988. This is a change in position for the NZSIS.

<sup>7</sup> Sections 10 to 14.

- b. protective security services, advice and assistance (including the GCSB's information assurance and cybersecurity activities);
  - c. co-operation with the Police and the NZDF to facilitate the performance of Police and NZDF functions; and
  - d. co-operation with other entities to respond to imminent threats to life and safety of certain persons.
11. A major change for both agencies associated with these functions is that GCSB is no longer statutorily defined as a *foreign* intelligence agency and NZSIS is now focused on *security* intelligence. The shared intelligence collection function of the agencies is now defined by reference to the priorities of the New Zealand Government.

### **Compliance with New Zealand law and human rights obligations**

12. The Act includes an explicit requirement that the agencies must act in accordance with New Zealand law and all human rights obligations recognised by New Zealand law. This includes a requirement that, before providing intelligence or cyber threat reports to overseas recipients, the Minister must be satisfied that the relevant agency will be acting in accordance with New Zealand law and all human rights obligations recognised by New Zealand.<sup>8</sup>

### **Political Neutrality**

13. The Directors-General must take all reasonable steps to ensure the activities of the agencies are politically neutral.<sup>9</sup> The Act also continues the protection to freedom of expression by persons in New Zealand.<sup>10</sup>

## **Warrants**

### **GCSB and NZSIS working together**

14. The Act provides a common regime for authorising the agencies to carry out otherwise unlawful activities. This regime maintained some distinctions between the agencies through the different powers available to each agency. For instance, NZSIS retained the power to enter premises under intelligence warrants, which is a power not available to GCSB.
15. The Directors-General of the GCSB and NZSIS may seek and be issued joint intelligence warrants.<sup>11</sup> Under such warrants, both agencies may exercise any of the powers of either agency.

---

<sup>8</sup> Section 12(7).

<sup>9</sup> Section 18(a(iii)).

<sup>10</sup> Section 19.

<sup>11</sup> Sections 56 and 62.



## Intelligence warrants

16. Intelligence warrants are available as follows:

- a. Type 1 warrants are jointly issued by the Minister responsible for the particular intelligence and security agency and a Commissioner of Intelligence Warrants. They authorise activities for the purpose of collecting information about, or to do any other thing directly in relation to, New Zealand citizens and permanent residents.<sup>12</sup>
  - i. The circumstances in which these can be obtained are either:
    1. for a national security objective in relation to one of seven listed "harms" (including terrorism, espionage, threats to information infrastructures etc.); or
    2. for other objectives, in relation to person(s) reasonably suspected to act for a foreign person/organisation/terrorist group.<sup>13</sup>
- b. Type 2 warrants are issued by the responsible Minister alone and provide authority for otherwise unlawful acts in circumstances where a Type 1 warrant is not required.<sup>14</sup>

## Warrants for New Zealand citizens/permanent residents

17. This warranting regime means that both agencies can carry out otherwise unlawful activities for the purpose of collecting information about, or the doing of things directly in relation to New Zealand citizens and permanent residents, but only under the authority of a Type 1 warrant.
18. This is a slight change for GCSB, which could previously only carry out activities in relation to New Zealanders if those persons were agents or representatives of foreign persons or organisations or when GCSB was operating in assistance of, and under the lawful authority of NZSIS, the New Zealand Defence Force or New Zealand Police.

## Urgent Warrants

19. The Act permits intelligence warrants to be issued by the Minister and Commissioner on an urgent basis. Further, in circumstances where a warrant is needed but the delay in making an application for an urgent warrant would defeat the purpose of obtaining the warrant, the relevant Director(s)-General may authorise the carrying out of the otherwise unlawful activity. These "very urgent authorisations" must be notified to the Minister (and the Chief Commissioner of Intelligence Warrants where a New Zealand citizen or permanent resident is involved) immediately, and an application for a warrant must follow within 24 hours, with the authorisation being deemed to be revoked if an application is not made.

---

<sup>12</sup> Section 53.

<sup>13</sup> Some Type 1 warrants will also be obtainable for **a class of persons** (for national security warrants and activities in relation to persons associated with foreign governments or designated terrorist entities): section 53(b).

<sup>14</sup> Section 54.

## **Practice Warrants**

20. A new power is the ability to obtain a practice warrant for “Training” or “Testing”. Testing warrants authorise the agencies to carry out an otherwise unlawful activity that is necessary to train, test, maintain or develop the capability of the agency in relation to the performance of its statutory functions. Training warrants authorise the agencies to carry out an otherwise unlawful activity that is necessary to train employees in relation to the performance of its statutory functions.

## **Authorised Activities**

21. Activities that may be authorised under an intelligence warrant continue to include interception, search and seizure. The Act now also specifically provides for an authorised activity to include otherwise unlawful ‘human intelligence activity’, if it is for the purpose of collecting intelligence and is not activity involving the use or threat of violence against a person or perverting of the course of justice (or an attempt).<sup>15</sup> ‘Human intelligence activity’ is defined in the Act as “activities that involve the use of any person to gather intelligence”.<sup>16</sup>
22. In addition, the Act includes a new authorised activity enabling an intelligence and security agency to request the government of, or an entity in, another jurisdiction to carry out an activity that would otherwise be unlawful if undertaken by the agency.<sup>17</sup> This will enable the agencies to lawfully request assistance from off-shore partners or entities in circumstances where an agency could otherwise be at risk.

## **Access to information**

23. Part 5 of the Act deals with the intelligence and security agencies’ access to information for the purpose of performing their functions. It is divided into four sub-parts.
- a. The first confirms the previously existing ability of the agencies to request information from other public and private sector agencies and individuals on a case-by-case basis.
  - b. The second provides for “direct access” by the agencies to databases holding certain specified government information.<sup>18</sup>
  - c. The third provides for case-by-case disclosures of “restricted information” pursuant to a warrant-like application process.<sup>19</sup>

---

<sup>15</sup> Section 67(1)(g).

<sup>16</sup> Section 4.

<sup>17</sup> Section 67(1)e).

<sup>18</sup> The “direct access” regime involves the information that the agencies need to access frequently to perform their functions. The agencies’ direct access to the databases set out in Schedule 2 is subject to written agreements between their responsible Minister(s) and the Ministers responsible for the agencies that hold that information. The agreements are subject to consultation with the Inspector-General and the Privacy Commissioner.

<sup>19</sup> E.g. Driver Licence photographs, adoption or tax information are subject to strict statutory prohibitions or restrictions on disclosure.

- d. The final subpart provides approvals for the agencies to compel disclosure of certain business record information held by telecommunications network operators and financial service providers. These provisions only allow such disclosure to be compelled in particular “circumstances” approved by the Minister and a Commissioner of Intelligence Warrants.

## Oversight

24. As was previously the case, all authorisations are subject to after-the-fact review by the Inspector-General of Intelligence and Security, who may conduct a review in relation to the issue of an authorisation and the carrying out of activity under the authorisation.
25. In the case of Type 1 warrants, the involvement of the Minister, a Commissioner of Intelligence Warrants, and the Inspector-General has been referred to as the “triple lock”.
26. Although the review recommended that non-New Zealanders should be able to complain to the Inspector-General, the Act has not adopted this approach. However, the Inspector-General can carry out an own-motion inquiry in to a matter raised by or relating to a non-New Zealander if he or she considers that the public interest required it.
27. The Act also continued the Intelligence and Security Committee, which has primary responsibility for parliamentary oversight of the agencies. The Committee may now be comprised of between 5 and 7 members, whereas it was previously limited to 5. The Committee is comprised of the Prime Minister, the Leader of the Opposition and other members nominated by those two persons. The Prime Minister and the Leader of the Opposition are required to have regard to security requirements and the proportional representation of political parties in the House of Representatives when nominating Committee members.

## Ministerial policy statements

28. Part 7 of the Act allows the Minister responsible for the intelligence and security agency to issue ministerial policy statements providing guidance to the agencies on the conduct of activities which they may lawfully undertake. The Act requires the Minister to issue one or more ministerial policy statements on the following matters:<sup>20</sup>
  - a. providing information assurance and cybersecurity activities by consent;
  - b. acquiring, using and maintaining an assumed identity under subpart 1 of Part 3;
  - c. creating and maintaining a legal entity under subpart 2 of Part 3;
  - d. collecting information lawfully from persons without an intelligence warrant or authorisation (i.e. human intelligence collection methods);
  - e. conducting surveillance in a public place;

---

<sup>20</sup> Section 206 and 207.

- f. obtaining and using publicly available information;
- g. requesting information from private and public sector agencies;
- h. management of information, including retention and destruction of information;
- i. making false or misleading representations about employment;
- j. conducting activities in accordance with the exemption from the Land Transport (Road User) Rule 2004;
- k. cooperating with an overseas public authority;
- l. providing advice and assistance to an overseas public authority; and
- m. sharing intelligence with an overseas public authority.

29. Ministerial policy statements do not affect the legality of actions taken by the agencies, but the Inspector-General of Intelligence and Security is required to have regard to them when conducting any inquiry or review.<sup>21</sup> Ministerial policy statements are also required to be published online, except to the extent they prejudice certain interests.<sup>22</sup>

---

<sup>21</sup> Section 158(2).

<sup>22</sup> Section 215.

## Appendix B

Table 2: Ethnic identity of NZSIS senior management (2004 – 2019)

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
European	100.0 %	100.0 %	85.7%	83.3%	84.6%	75.0%	83.3%	66.7%	72.7%	77.8%	72.7%	82.4%	78.6%	91.7%	81.3%	86.7%
Maori	9.1%	9.1%	7.1%	8.3%	15.4%	0.0%	0.0%	0.0%	0.0%	0.0%	9.1%	5.9%	14.3%	0.0%	0.0%	0.0%
Asian	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	6.3%	6.7%
Pacific	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	9.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
MELAA	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	5.9%	7.1%	0.0%	0.0%	0.0%
Other (Including 'New Zealander')	0.0%	0.0%	14.3%	16.7%	15.4%	50.0%	33.3%	33.3%	36.4%	33.3%	27.3%	17.6%	14.3%	16.7%	18.8%	6.7%

**Please note:**

- Our ethnicity statistics are dependent on staff voluntarily disclosing this information.
- The other category contains ethnicities that are not otherwise captured in the above categories; this primarily reflects staff identifying as New Zealanders.

**Table 3:** The number of people from the UK, US, Canada and Australia who have been appointed as staff within the NZSIS, per financial year (2009-2019)

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Australia		1	8	1		1	2		1		3
Canada						1				1	
UK	2	2	5	4	2	4	2	6	2	4	5
US									1		
<b>Total</b>	<b>2</b>	<b>3</b>	<b>13</b>	<b>5</b>	<b>2</b>	<b>6</b>	<b>4</b>	<b>6</b>	<b>4</b>	<b>5</b>	<b>8</b>

**Please note:**

- We are only able to answer on appointed staff, and only have information back to 30 June 2008.
- The information presented is based on financial year.
- In calculating the number of people from the UK, US, Canada, and Australia we have used declared nationality.