

6 March 2020

Beau Murrah

**BY EMAIL ONLY:** [fyi-request-12283-ff6f95c6@requests.fyi.org.nz](mailto:fyi-request-12283-ff6f95c6@requests.fyi.org.nz)

Tēnā koe Mr Murrah,

### **Official Information Act Request (Our Ref: OIA/0029)**

I refer to your Official Information Act Request dated 20 February 2020 through [www.fyi.org.nz](http://www.fyi.org.nz) for “any documents or communications from March 1 2019 onwards relating to:

1. Algorithms and Facebook
- OR
2. Algorithms and the Christchurch Call agreement

Including but not limited to any documents or communications about:

1. Algorithmic transparency
2. Harms possibly attributed to algorithms such as radicalization or harms to privacy
3. Regulations as they apply or not to Facebook in relation to algorithms.
4. The March 15 terror attacks in relation to algorithms
5. The Christchurch Call and algorithms.”

On 28 February you spoke with Michael Harrison from my Office and clarified the scope of your request. You followed this up by email shortly after explaining “what I was essentially looking for was documents and correspondence including about the effect of algorithms such as Facebook’s newsfeed, search and livestreaming algorithms in relation to March 15 terror attack and the Christchurch Call agreement.”

### **Publicly available information**

I have identified the following pieces information which we do hold and are publicly available:

- <https://www.privacy.org.nz/blog/netflixs-great-hack-review-an-insight-into-the-threat-social-media-poses-for-democracies/>
- <https://helenc Clark.foundation/wp-content/uploads/2019/11/the-christchurch-principles-min.pdf>
- <https://www.christchurchcall.com/christchurch-call.pdf>

- <https://www.privacy.org.nz/assets/Uploads/2019-Identity-Conference-keynote-speech-Privacy-Commissioner-John-Edwards.pdf>
- <https://privacy.org.nz/assets/Uploads/IAPP-ANZ-Summit-2019-keynote-presentation2.pdf>

### **Other relevant information**

In terms of your request for information about '[r]egulations as they apply or not to Facebook in relation to algorithms' there is no specific regulation in New Zealand regarding algorithms, however you may find these resources of interest:

- <https://www.otago.ac.nz/news/news/otago711839.html>
- <https://data.govt.nz/use-data/analyse-data/government-algorithm-transparency-and-accountability/draft-algorithm-charter/>.

More generally, the New Zealand Privacy Act does apply to Facebook and its activities.<sup>1</sup>

### **Request otherwise refused**

Your request is otherwise refused under section 18(c)(i) of the Official Information Act 1982. This allows for a request to be refused if making the information available would be contrary to the provisions of a specified enactment. Here, section 116(1) of the Privacy Act applies. Section 116(1) of the Privacy Act requires this Office to maintain secrecy in respect of all matters that come to our knowledge when we are carrying out our functions under the Privacy Act 1993, unless release of information is considered necessary to give effect to the Privacy Act. While we hold information within the scope of your request, I am therefore refusing your request.

If you are not satisfied with this outcome, you have the right to contact the Ombudsman to seek an investigation and review of this decision.<sup>2</sup>

Yours sincerely

A handwritten signature in blue ink, appearing to be 'John Edwards', written in a cursive style.

John Edwards  
**Privacy Commissioner**

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<sup>1</sup> See <https://www.privacy.org.nz/news-and-publications/statements-media-releases/privacy-commissioner-facebook-must-comply-with-nz-privacy-act/>.

<sup>2</sup> <https://www.ombudsman.parliament.nz/>.