



**GOVERNMENT  
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23 January 2014

Mr Alex Harris  
fyi-request-1343-b46842bb@requests.fyi.org.nz

Dear Mr Harris,

**OFFICIAL INFORMATION ACT REQUEST**

I refer to your request dated 3 December 2013, in which you request:

- *“Did the GCSB, before September 26 2013, collect metadata about New Zealand citizens or permanent residents? If so, what is collected and when did the collection begin?”*
- *“Did the GCSB, before September 26 2013, share metadata about New Zealand citizens or permanent residents with its Five Eyes partners (the US, UK, Australia and Canada)? If so what is shared and when did that sharing begin?”*
- *“Has the GCSB started collecting or sharing such metadata since 26 September 2013?”*

In response to your first question, the GCSB did not collect wholesale metadata about New Zealand citizens or permanent residents prior to 26 September 2013. The Review of Compliance in the Government Communications Security Bureau dated March 2013, noted that some material (which may have included metadata) had been collected in respect of some New Zealand citizens or permanent residents. These cases were referred to the Inspector General of Intelligence and Security. I decline to provide details about when these instances occurred or what was collected under the provisions of section 6(a) of the Official Information Act 1982 (the Act). To do so would likely prejudice the security or defence of New Zealand or the international relations of New Zealand.

In accordance with the GCSB’s information assurance and cybersecurity function (section 8A of the GCSB Act 2003), and as requested by customers, the GCSB has

in the past and continues to access New Zealanders' metadata as required to mitigate cyber-attacks on New Zealand infrastructure.

In response to your second question, as the GCSB did not collect wholesale metadata about New Zealand citizens or permanent residents prior to 26 September 2013, no sharing with our partner agencies could occur. In relation to metadata about New Zealand citizens or permanent residents that has been collected, either in respect of the individuals referred to in the review of compliance or in support of our 8A function, in accordance with section 10 of the Act, I can neither confirm nor deny whether the information was shared with our partners. To do so would likely prejudice the interests protected by section 6(a) of the Act (as releasing this information would likely prejudice the security or defence of New Zealand or the international relations of New Zealand).

In response to your final question, as stated during the public session of the Intelligence and Security Committee hearings, the GCSB does not collect wholesale metadata about New Zealand citizens. The GCSB Act 2003 (sections 15A, 8A and 8B) allows the GCSB to access information, including metadata, in accordance with an appropriate warrant or authorisation. The Act also allows for the sharing of intelligence with entities authorised by the Minister responsible for the GCSB. As of the date of your request the GCSB had 33 interceptions warrants and access authorisations in force. I decline to provide further details of the warrant or authorisations under the provisions of section 6(a) of the Act, as to do so would reveal capabilities, sources and targets.

I am required by section 19 of the Act, to advise you that you have the right, by way of complaint under section 28(3) to an Ombudsman, to seek an investigation and review of the refusal.

Yours sincerely,



Ian Fletcher  
Director