



GOVERNMENT
COMMUNICATIONS
SECURITY BUREAU
TE TIRA TIAKI



New Zealand
Security Intelligence
Service
Te Pā Whakamarumaru

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24 September 2020

Stephanie Johnstone
fyi-request-13742-92971ac3@requests.fyi.org.nz

Dear Stephanie Johnstone

Official information request

I refer to your Official Information Act 1982 (OIA) request to the Government Communications Security Bureau (GCSB), dated 9 September 2020, for information about foreign interference.

As the New Zealand Security Intelligence Service (NZSIS) also has a key role in relation managing foreign interference threats to the 2020 General Election, we have opted to provide a joint response to your request.

Our responses to your specific questions can be found below, but first we would like to give an overview of the roles and functions of the NZSIS and GCSB in relation to foreign interference.

While the Electoral Commission is responsible for the delivery of a free and fair 2020 General Election, the NZSIS and GCSB have important roles to play to support the delivery of the event.

The NZSIS's role in relation to threats to elections and democratic institutions includes:

- Collecting, analysing and assessing intelligence about foreign interference activities in New Zealand. The NZSIS's particular focus is understanding the activities and motivations of foreign state actors operating in, or seeking to influence, New Zealand institutions, processes and individuals;
- Providing intelligence to decision-makers; and
- Providing protective security services, advice and assistance to a wide range of individuals and entities, including Members of Parliament and Ministers.

The GCSB is the Government's cyber and information security authority. In relation to foreign interference in our elections, the GCSB's key tasks include:

- Providing cyber security and information assurance services and advice to authorised individuals and entities. This includes Members of Parliament, Ministers and other entities involved in the conduct of elections;
- Developing and providing intelligence (primarily foreign intelligence) and cyber assessments on the intentions, activities and capabilities of threat actors, including in relation to the Election; and

- Doing whatever is necessary or desirable to protect the security and integrity of communications and information infrastructures of importance to the Government of New Zealand, including identifying and responding to threats or potential threats to those communications and information infrastructures. This would include the Electoral Commission's core systems.

It is important to note that the GCSB and NZSIS are mindful of the need to ensure that efforts to prevent foreign interference in New Zealand do not hinder democratically protected rights to political expression, or the ability of states to openly engage and negotiate with each other.

Both agencies therefore use the term foreign interference only to describe an act by a foreign state, or its proxy, that is intended to influence, disrupt or subvert a New Zealand national interest by covert, deceptive or threatening means. Interference, so defined, does not include normal diplomatic activities or efforts to garner influence or shape perceptions or policy by open lobbying or persuasion.

Does the GCSB/NZSIS possess any credible intelligence that foreign countries (or any person or organisation acting on behalf of that country) have or are interfering in the 2020 NZ General Election? Which candidate(s) and/or party/parties is the interference intended to support?

It would be detrimental to New Zealand's national security should we reveal any information that would reveal our capabilities, techniques and areas of focus, or areas we are not focusing on. The release of this type of information would negatively impact our ability operate effectively as an intelligence agencies.

For this reason, as provided for by section 10 of the OIA, we can neither confirm nor deny whether we hold the information you have requested. We consider that to do so would be likely to prejudice the interest protected by section 6(a) of the Act, namely the security or defence of New Zealand or the international relations of the Government of New Zealand.

Have you provided advice to the current government on how to combat foreign interference in the 2020 NZ General Elections? How many of any recommendations made in such advice have been accepted and how many have been rejected either in full or in part?

The NZSIS and GCSB provided advice and information on protecting the New Zealand electoral system from foreign interference to the Justice Committee Inquiry into the 2017 General Election and 2016 Local Elections. The Justice Committee then provided recommendations to Government regarding the 2020 General Election.

Copies of information the NZSIS and GCSB provided to the Justice Committee Inquiry at an unclassified level can be found in the news sections of our websites (www.NZSIS.govt.nz/news and www.GCSB.govt.nz/news/ respectively). Both agencies also provided classified information at closed sessions. We must refuse to provide the information provided at these closed sessions under 6(a) of the OIA, as the release of the information would be likely to negatively impact New Zealand's national interests.

The report that outlines the Justice Committee's recommendations to the Government is publicly available on the parliament.nz website. The subsequent Government response to the Justice Committee report, which details the Government's response to these recommendations, has also been proactively released and can be found online on the Ministry of Justice's website, in the Cabinet and related material section (justice.govt.nz/justice-sector-policy/publications/).

In addition to providing advice to the Justice Committee Inquiry, both the GCSB and NZSIS have worked extensively with relevant parties ahead of the 2020 General Election.

The GCSB's National Cyber Security Centre has engaged directly with the Electoral Commission to provide cyber security advice and support to reinforce their cyber security resilience. The GCSB has also provided updated guidance for political parties and candidates on how to protect themselves from cyber threats, which has been circulated by the Electoral Commission.

The NZSIS, in conjunction with the GCSB, has provided protective security services and advice to Members of Parliament and Ministers.

Principles and protocols for GCSB and NZSIS in managing foreign interference and cyber security threats to the 2020 General Election

It may also interest you to know that ahead of the 2017 General Election, a protocol was in place for the New Zealand NZSIS and GCSB should they suspect interference in the election. The protocol was never activated. In the lead up to the 2020 election, the protocol has been reviewed and revised by the NZSIS and GCSB in consultation with the Department of Prime Minister and Cabinet (DPMC) and the Electoral Commission.

The protocol sets out the processes that would guide any response by the agencies in relation to a foreign interference or cyber security threat to the election, and outlines the thresholds and escalation process that will be followed. This protocol is publicly available online at nzic.govt.nz/resources.

If you wish to discuss this response with us, please feel free to contact information@gcsb.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 or freephone 0800 802 602.

Yours sincerely



Andrew Hampton
Director-General of the GCSB



Rebecca Kitteridge
Director-General of Security