



16 February 2022

Jamie Smith
fyi-request-18227-2debdcb6@requests.fyi.org.nz

Dear Jamie

Official information request

I refer to your Official Information Act 1982 (OIA) request dated 18 January 2022 in which you ask the following question:

"I would like to find out if you are tracking kiwis phones as happened in the US, Canada, England and Australia."

I am interpreting your question as asking whether the GCSB has the capability to locate individuals by identifying the location of their mobile phones. If this is not a correct interpretation, then please let us know.

Response

I am refusing your request under section 6(a) of the OIA, as making the information available would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.

Everything the GCSB does must be lawful, and conducted in accordance with the objectives of the Intelligence and Security Act 2017 (the ISA).

The principal objectives of the GCSB are to contribute to:

- The protection of New Zealand's national security;
- The international relations and well-being of New Zealand; and
- The economic well-being of New Zealand.

The ISA provides a strong authorising framework to ensure that our intelligence collection and analysis activities are necessary and proportionate. The ISA also provides for other checks and balances that ensure our compliance with the law, including strong independent oversight.

The Government's National Security Priorities direct the GCSB's priorities. These include foreign influence, interference and espionage; the implications of emerging technology; malicious cyber activity; terrorism; and territorial security and sovereignty.

For the GCSB to deliver on its objectives and Government priorities, much of what we do needs to be done in secret. For this reason, we do not discuss our capabilities or operating methods.

For context, it has been well established and I have publicly stated that the GCSB does not undertake 'mass surveillance'.

Review

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

Te Tumu Whakarae mō Te Tira Tiaki

Director-General, Government Communications Security Bureau