



New Zealand
Security Intelligence
Service
Te Pā Whakamarumarū

Briefing note

Date 7 April 2021
To Hon Andrew Little, Minister Responsible for the NZSIS
From Rebecca Kitteridge, Director-General of Security
For your Action

Improving the preservation and accessibility of NZSIS historical records; deferral of transfer to Archives NZ

Purpose

1. To brief you on actions to ensure the preservation and improved accessibility of NZSIS historical records.
2. To seek your assistance in obtaining a deferral of transfer of NZSIS records under s22 (1)(d) of the Public Records Act 2005 (PRA).

Background

3. The NZSIS is the custodian of one of the most significant national collections of historical records outside of Archives NZ. A well maintained archive ensures that we can readily access information relevant to ongoing security and intelligence matters, and to account for our past conduct, decisions and actions. The NZSIS is committed to ensuring the preservation of our high value records until they can be declassified and transferred to Archives NZ. To assist in achieving this, in December 2020, the NZSIS approved an internal business case to:
 - a) Identify and describe all physical records of ongoing business and historical value to facilitate easier access.
 - b) Identify and migrate historical records from obsolete media to ensure their preservation and continuing availability.
 - c) Implement an 18 month pilot project for systematic declassification of high value NZSIS historical records with the aim of making as many records as possible available to researchers and the general public.

4. The systematic declassification pilot is consistent with the Royal Commission of Inquiry into the Terrorist Attack on Christchurch Mosques recommendation 9 b) iii) for the adoption of a topic-based approach to systematic declassification of historical records.
5. A separate but related matter is the arrangement the NZSIS has under the PRA for maintaining its own archive of historical records. Our deferral of transfer agreement, to permit the NZSIS to legally hold records that have been in existence for 25 years or more, requires approval.

Improving the accessibility of NZSIS Historical Records

6. Following approval of the historical records business case, good progress is being made to improve the accessibility of our historical physical records by auditing and better describing over 8,000 historical files. Work is also underway to identify high value video and audio recordings stored on technically obsolete media with the aim of migrating this content to a more stable platform.
7. The largest component of the business case is a pilot to commence systematic declassification of NZSIS's historical records. During the pilot, information will be gathered about the declassification process, including the time and resources required to declassify different types of records. This information will inform the development of a business case to establish an ongoing systematic declassification programme following completion of the pilot.
8. Progress with the declassification pilot to date has focussed on developing a policy framework for systematic declassification and establishing specialist declassification staff positions.

Deferral of transfer of records to Archives NZ

9. Section 21 of the PRA makes mandatory the transfer to Archives NZ from every public office (which includes the NZSIS), records that have been in existence for 25 years. However, due to the lack of suitable storage facilities for SECRET and TOP SECRET records at Archives NZ and the ongoing relevance of a relatively high proportion of NZSIS historical records to current security and intelligence work, the NZSIS has to date only transferred relatively small numbers of records that have undergone a declassification process.
10. In this context, to be compliant with the PRA, an agreement to defer transfer of NZSIS records for a specified period under PRA s22 is required. Given that declassification is a complex and time consuming process, transfers of substantial quantities of many historical NZSIS records will not be feasible for at least the next 25 years. A deferral will enable the NZSIS to legally hold records in existence for 25 years and allow time to make substantial progress with declassifying high value records for transfer to Archives NZ.
11. A deferral of 25 years will also bring the NZSIS agreement into line with the agreement reached between the GCSB and Archives NZ.
12. The process of Ministerial certification requires you as Minister responsible for the NZSIS, to consult with the Minister of Internal Affairs as the Minister responsible for Archives NZ

and then certify the deferral (PRA s22(1)(d)) of NZSIS records in existence for 25 years. The specific grounds for approving certification are outlined in the letter (**appendix 1**).

Recommendations

It is recommended that you:

- 1 Approve** Sending the **attached** letter to the Minister of Internal Affairs to obtain deferral by Ministerial certification (PRA s22(1)(d)).

Rebecca Kitteridge
Director General of Security

Hon Andrew Little
Minister Responsible for the NZSIS

Date: