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A1200233

8 April 2015

Matthew Leach
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Dear Mr Leach

I refer to your email dated 10 March 2015 in which you request:

- *All advice, correspondence, drafts, memos, emails and discussion documents that define, attempt to define, explain, or attempt to explain the word "surveillance".*

The word "surveillance" does not appear in the legislation under which the Government Communications Security Bureau is governed. For that reason we have not spent significant time defining, attempting to define, explaining, or attempting to explain the word "surveillance". It is not relevant to our statutory purpose or functions, which concern information assurance and cybersecurity, intelligence gathering and analysis, and co-operation with other entities to facilitate their functions.

That said, as you may be aware from media reports, the issue of surveillance – in particular "mass surveillance" – did come up when I appeared in front of the Intelligence and Security Committee on 11 March 2015. It was raised following a number of media articles on this subject in the weeks prior to the Committee hearing. "Mass surveillance" is also not a phrase that appears in our legislation and is, therefore, not an activity in which we engage. However, in order to be able to respond to anticipated questions from Committee members concerning the media reports, the following text was prepared by my office:

Are you conducting mass surveillance on foreigners?

GCSB is mandated by its legislation to conduct foreign intelligence. Any surveillance GCSB does is targeted, authorised, lawful, proportionate, necessary and subject to robust oversight.

Are you conducting mass surveillance on foreigners?

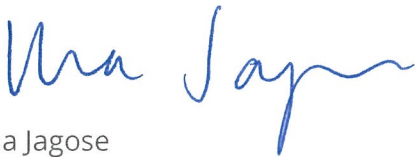
Last September the IGIS publicly stated that she had "not identified any indiscriminate interception of New Zealanders' data." The work GCSB does is targeted, authorised, lawful, proportionate, necessary and subject to robust oversight.

How do you define mass surveillance?

Mass surveillance of New Zealanders would require the possession by intelligence services of large repositories of information on a very large number – indeed a “mass” – of individuals, collected indiscriminately and then stored in some form that would allow search and retrieval. They don’t. There would have to be wholesale capture and storage of all domestic data by intelligence agencies, and those agencies would have to do something with the result. There isn’t and they don’t.

My notes for my opening statement to the Intelligence and Security Committee will soon be available online at www.gcsb.govt.nz.

Yours sincerely



Una Jagose
Director