



NEW ZEALAND
CUSTOMS SERVICE
TE MANA ĀRAI O AOTEAROA

WELLINGTON

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PROTECTING NEW ZEALAND'S BORDER

9 July 2015

Ref: IIE OIA 15-117

Mr Alex Harris

Email: fyi-request-2836-ca9c1bcb@requests.fyi.org.nz

Dear Mr Harris

Request for information

Thank you for your email dated 11 June 2015 in which you made a number of enquiries under the Official Information Act 1982 (OIA) relating to the search of digital devices at the New Zealand border. Your requests and Customs' responses are below.

1. How many digital devices did Customs search at the border between January 1 and January 14 2015?

Where Customs performs a search at the border an electronic report is created in Customs' database, CusMod, recording the interaction. As previously advised in earlier responses, there is no simple way to determine how many searches of digital devices were undertaken by Customs in any time period as the information is recorded in the free text of those reports.

You have requested the number of devices searched by Customs at the border in a two week period. During that two weeks, over 9,500 reports were entered into CusMod and the only way to determine whether those reports included a record of a search of a digital device would be to open each one and read them. Customs cannot provide you with this information without substantial collation and research and is therefore refusing this part of your request pursuant to section 18(f) of the OIA.

2. How many of those searches were for "objectionable material" and how many were for "other evidence of border offending"?

Again, this information cannot be made available without consulting at least 9,500 electronic records in CusMod. Customs is therefore refusing this request pursuant to section 18(f) of the OIA.

3. How many of those searches were conducted on behalf of other agencies, such as NZ Police, SIS, GCSB, or FBI?

None. As you have previously been advised, Customs can only conduct searches within the scope of the Customs and Excise Act 1996 and other border-related legislation such as the Films, Videos, and Publications Classification Act 1993 (in relation to objectionable material) or the Misuse of Drugs Act 1975 (in relation to illicit drugs). This activity does not extend to conducting searches on behalf of other agencies.

4. How many of those searches resulted in finding something prohibited from entering NZ? I'd like a categorisation of what was this material (objectionable material. Copyright violation, national security, other)

Records show that Customs intercepted 187 prohibited items from digital devices between 1 and 14 January 2015 from entering New Zealand. 137 items breached Intellectual Property Rights, five items were deemed objectionable material, and 45 items were categorised as "other" in Customs' database.

I note in your email that you mention that Customs searched 845 digital devices at the border in 2013. That statistic is incorrect and does not relate to the number of devices searched by Customs at the border, it relates to the number of items devices *detained* at the border for detailed forensic examination. The number of devices searched at the border would be significantly larger than the number of devices detained at the border by Customs for forensic examination.

Please be advised that you have a right, by way of complaint to the Office of the Ombudsman under section 28(3) of the OIA, to seek an investigation and review of the decision conveyed in this letter.

Please also feel free to contact Customs at OIA@customs.govt.nz if you would like to discuss any aspect of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K M T' with a horizontal line extending from the end.

Kevin Martin
Group Manager Finance Strategy and Performance