



5 November 2024

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Tēnā koe Danson,

Your Official Information Act 1982 request, reference OIA 2425-0349

I am responding to your email of 9 October 2024 to the Department of Internal Affairs (the Department) requesting the following under the Official Information Act 1982 (the Act):

- 1. The IWF web filter has come under scrutiny for incorrectly blocking access to legal and legitimate information and websites. A notable instance of this was the blacklisting of a Wikipedia article about the Scorpions' 1976 album "Virgin Killer," which prevented affected users from accessing Wikipedia altogether. Are there any plans to adjust the IWF filter to minimize false positives and ensure broader access to accurate information?*
- 2. Are there any planned changes to the Independent Reference Group? If so, will the IRG have the authority to unblock websites that have been mistakenly, wrongfully, or maliciously blocked by the IWF filter?*
- 3. Will Internet Service Providers (ISPs) have the option to opt out of the IWF filter while maintaining the legacy DCEFS filter?*
- 4. Will the legacy DCEFS filter continue to exist and still implement blocks on newly reported Child Sexual Abuse Material (CSAM) and Child Exploitation Material (CSEM)?*
- 5. In light of recent trends in various countries towards censorship of dissenting views and other restrictions, what measures are in place to prevent potential wrongful censorship through the new filtering system?*
- 6. Is there any possibility of internet users' privacy being negatively affected by these changes?*

Background

The Digital Child Exploitation Filter System (DCEFS) is a single system. The Internet Watch Foundation (IWF) list that will be added to the DCEFS will replace the Department's manual addition and removal of unique URLs. There will not be a 'legacy' system or a new system.

Question One

The instance you mention occurred 16 years ago and was reviewed, with the decision reversed three days later. During those three days, access was blocked to one article and users in the United Kingdom were prevented from editing the Wikipedia page for a short time.

The Department is confident in the accuracy of the IWF list due to the extensive analysis undertaken by our investigators and legal services. This analysis has confirmed that material categorised by IWF as Category A, B, or C would be considered objectionable under New Zealand law. You can read the current DCEF assessment criteria on the Department's website at: www.dia.govt.nz/digital-child-exploitation-Code-of-Practice-June-2022.

The assessment criteria used by IWF, confirmed through the Department's own analysis, is at least as strict as that currently used for the DCEFS. The IWF list is updated twice daily and is loaded to the DCEFS.

Question Two

There are no planned changes to the Independent Reference Group (IRG) members. The Department will always welcome more industry partners that wish to join.

The Department is currently responsible for any complaints regarding website filtering including in the future when the IWF list is implemented. Changes were approved to the Code of Practice and the Terms of Reference for the IRG in the light of the IWF list addition and this will be updated on the Department's website shortly at: www.dia.govt.nz/Preventing-Online-Child-Sexual-Exploitation-DCEFS-Code-of-Practice.

Question Three

Internet Service Providers voluntarily sign up to the DCEFS and were made aware of the upcoming changes to the DCEFS.

Question Four

As noted, there is no legacy DCEFS. The DCEFS continues to operate and is being upgraded to include the IWF list.

Question Five

Assurance actions regarding the IWF list are conducted regularly by the Department's investigators. Investigators are Inspectors of Publications who ensure that the IWF-list links either contain child sexual abuse material (CSAM) or are 'gateway' links, meaning that CSAM content is accessed within five clicks of the link. Any decisions on these assurance actions are peer reviewed by another Inspector of Publications.

The Department is unable to comment on trends in other countries.

Question Six

The Department takes the privacy of internet users seriously. The DCEFS is not designed to be an enforcement tool. The DCEFS does not provide IP addresses of those who may have sought CSAM or found it inadvertently. The DCEFS is a prevention tool to ensure people, especially children and vulnerable New Zealanders, are less likely to stumble on this content accidentally.

Accessing the Ombudsman

You have the right to seek an investigation and review of my response by the Office of the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Proactive release

We intend to publish our response to your request on our website at: www.dia.govt.nz/Official-Information-Act-Requests-2. This letter, with your personal details removed, will be published in its entirety. Publishing responses increases the availability of information to the public and is consistent with the Act's purpose of enabling more effective participation in the making and administration of laws and policies and promoting the accountability of Ministers and officials.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'A Balakrishnan', written in a cursive style.

Anita Balakrishnan
Director Ministerial and Monitoring