



New Zealand
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Bill

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Dear Bill

Official Information Act Request

Thank you for your correspondence of 16 October 2016 seeking the following information from the New Zealand Security Intelligence Service (NZSIS): *“what are the legal repercussion, consequences, and minimal and maximum jail terms or fines imposed on a New Zealand citizen who has breached sections 27(1)(a) [prejudice security and defence], 29(1)(a) [unwarranted disclosure of the affairs of another individual] and section 7(2)(a) [which relates to the publication of NZSIS employees which is prohibited by section 13A of the NZSIS Act 1969] and the Privacy Act 1993 (the Privacy Act)?”*.

The Privacy Act 1993 (the Act), gives individuals the right to request from agencies personal information held about them. When a request is received, checks are made to determine if information is held. An assessment may then be made, using the relevant sections of the Act, to determine whether any information should be withheld. Sections 27-32 of the Act provide for good reasons for refusing information, and section 7 of the Act provides for refusal when other legislation prohibits release. Where personal information is withheld, the reason for its refusal must be provided. This is usually done by reference to the relevant sections of the Act.

Decisions can be appealed to the Privacy Commissioner when personal information is refused to the individual. The Privacy Commissioner can investigate the decision and assess if good reasons for refusing access were correctly applied and the agency has not interfered with the privacy of an individual.

There are no legal repercussions or consequences when personal information is made available in good faith by the agency. The Act provides protection against certain actions, as set out in section 115. I would refer you to this section of the Act for further information.

The delay in our response is due to the recent earthquakes that impacted our office located in Wellington. We hope this delay has not caused you any inconvenience.

I trust this information is of use to you.

Yours sincerely

Rebecca Kitteridge

Rebecca Kitteridge
Director of Security