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Valerie Morse

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Dear Ms Morse

Official Information Act Request

Thank you for your correspondence of 7 April 2018 seeking the following information under the Official Information Act 1982 (OIA): *"please provide all information relating to, or provided by, Thompson and Clark Private Investigations between the years 2014-2018 held by the NZSIS"*.

The New Zealand Security Intelligence Service (NZSIS) has never procured any services from Thompson and Clark Investigations Limited.

NZSIS has had interactions with Thompson and Clark in relation to their providing protective security advisory and consultancy services to government agencies. A thorough search of our holdings shows the NZSIS has not interacted with Thompson and Clark in relation to their private investigator services.

Falling within scope of your request are communications from Thompson and Clark and members of the Protective Security Requirements (PSR) engagement team, which is part of the NZSIS.

The PSR engagement team provides security advice across government on the implementation of the PSR framework and in lifting security capability. In 2014 Cabinet mandated 36 Government agencies to adopt the PSR framework and asked that the requirements be provided in open-source format in the hope that any entity in New Zealand could freely adopt 'best practice'. Further information about the PSR is available online: www.protectivesecurity.govt.nz

Through the PSR team, the NZSIS sets the framework and requirements for protective security across government. It is then up to individual agencies to apply the framework according to their requirements. Individual agencies may also seek advice from private organisations.

As part of the PSR team's regular engagement function, it is important for the members of the team to have some level of contact with private sector organisations providing protective security advice to government agencies.

The attached correspondence is being released to you in response to your OIA request.

A sizable portion of the correspondence included is between a Thompson and Clark employee and an individual within the PSR team. The correspondence includes information about security forums hosted by the PSR team, which aim to build strong, sustainable relationships with agencies to support the effective application of the PSR framework and the establishment of effective security cultures across government.

In the information released, redactions have been necessary for one or more of the following reasons listed below.

- section 9(2)(a) because the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons;
- section 9(2)(b) protect information where the making available of the information—
 - (ii) would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information;
- section 9(2)(ba) protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information—
 - (i) would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied;
- section 9(2)(h) maintain legal professional privilege [one instance]; and
- section 18(c)(i), because the making available of the information requested would be contrary to the provisions of a specified enactment, namely section 227 of the Intelligence and Security Act 2017 (restriction on publication and broadcasting of information regarding staff).

It has also been necessary to withhold a number of emails in full for one or more of the above reasons. I am however able to provide a summary of this material, as provided for under section 16(1)(e) of the OIA, which is set out below.

Date of interaction	Summary
May 2016	Thompson and Clark contacts the PSR team to deliver their regular PSR presentation to a private sector client. Correspondence relates to the administration of this presentation to the Board of Thompson and Clark's client. Information consists of agenda, email correspondence (including from the business), and timing of the presentation.
June 2016	Thompson and Clark shares with the PSR team an example of their work they have done for clients, which was meant as an insight into recent work they have completed.
December 2016	Thompson and Clark shares with the PSR team information concerning a risk assessment Thompson and Clark has developed

	for a client. The PSR team provides feedback on Thompson and Clark risk assessment.
September 2017	Email from the PSR team to MBIE providing an assessment score for Thompson and Clark as part of the all-of-government procurement bid.

Where information has been withheld under section 9 of the OIA, I consider that the public interest does not outweigh my decision to withhold this information in this instance.

I expect high standards of professionalism and conduct from all NZSIS staff. The tone of some of the emails being released to you raise concerns about the standards of professionalism being displayed.

In the light of this correspondence, I have asked for several matters to be looked into. The emails raise questions in relation to conduct and possible bias in favour of Thompson and Clark. These questions are the subject of an internal investigation. I have also asked for our internal processes, policies and guidance to be reviewed to ensure that our (necessary and important) engagement with private sector providers is professional, appropriate and even-handed.

If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact oa.privacy@nzsis.govt.nz.

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

Yours sincerely



Rebecca Kitteridge
Director-General of Security