



13 June 2018

Yu Le Kong-Lim  
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IR-01-18-1826

Dear Yu Le Kong-Lim

### REQUEST FOR INFORMATION

I refer to your Official Information Act (OIA) request of 20 April 2018 for information relating to surveillance activities upon People Against Prisons Aotearoa, formerly known as No Pride in Prisons. You requested the following information:

*"1) Whether Thompson and Clark has cooperated with NZ Police to undertake activities upon members of People Against Prisons Aotearoa. If so, what were the nature of these activities, what was the duration of these activities, and when and where did these occur.*

*2) Whether NZ Police has co-operated or is co-operating with either SIS, GCSB and/or NZDF to undertake intelligence activities upon or about People Against Prisons Aotearoa and/or member(s) of People Against Prisons Aotearoa (eg. under s10(2)(a) and s13(1)(a)(iii) of the Intelligence and Security Act 2017). If so, what was the nature and reasons of these intelligence activities, what duration, when and where did these occur.*

*3) Whether SIS or GCSB has provided or is providing advice or assistance to NZ Police to activities regarding People Against Prisons Aotearoa and/or member(s) of People Against Prisons Aotearoa (eg. as covered under s10(2)(a) and s13(1)(b) of the Intelligence and Security Act 2017). If so, what was the nature of the advice or assistance and how many instances of advice or assistance have been provided.*

*4) Whether there have been search warrants issued for People Against Prisons Aotearoa and/or members of People Against Prisons Aotearoa under the Search and Surveillance Act 2012. If so, what were the exact types of search warrants, how many warrants have been issued, what were the suspected offences in s6(a) of the Search and Surveillance Act 2012, what was the evidentiary material believe to have been obtained in s6(b) of the Search and Surveillance Act 2012, and when have they been authorised.*

*5) Whether there have been surveillance device warrants issued for People Against Prisons Aotearoa and/or members of People Against Prisons Aotearoa under the Search and Surveillance Act 2012. If so, what were the exact types of such surveillance device warrants, what were the suspected offences in s49(1)(d) of the Search and Surveillance Act 2012, what surveillance device(s) were used in s49(1)(3) of the Search and Surveillance Act 2012, evidential material believed to be able to be obtained by use of the surveillance device in s49(1)(g) of the Search and Surveillance Act 2012, how many warrants have been issued, and when have they been authorised.*

*6) If activities have been carried out upon members of People Against Prisons Aotearoa, the number of instances this has been carried out. If so, what was the nature of these activities and what was the reason for these activities."*

As follows is my response.

**1) Whether Thompson and Clark has cooperated with NZ Police to undertake activities upon members of People Against Prisons Aotearoa. If so, what were the nature of these activities, what was the duration of these activities, and when and where did these occur.**

Police is unable to consider this request as the identities of the relevant individuals have not been provided by the requestor. Even if names were provided, it is likely that the information would be withheld pursuant to s9(2)(a) of the OIA to protect the privacy of the people concerned.

**2) Whether NZ Police has co-operated or is co-operating with either SIS, GCSB and/or NZDF to undertake intelligence activities upon or about People Against Prisons Aotearoa and/or member(s) of People Against Prisons Aotearoa (eg. under s10(2)(a) and s13(1)(a)(iii) of the Intelligence and Security Act 2017). If so, what was the nature and reasons of these intelligence activities, what duration, when and where did these occur.**

Police are not able to disclose whether or not they have cooperated with or received support from either the New Zealand Security Intelligence Service (NZSIS), Government Communications Security Bureau (GCSB), or New Zealand Defence Force (NZDF) in relation to any individual or group. While we acknowledge your understandable interest in this issue, disclosing the existence or non-existence of this kind of information in any particular instance would have the effect of compromising the security of information in all instances. This is because to confirm that no information exists where activities of this type have not occurred, but to refuse requests where it has, would provide an indication of the legitimately covert activities of Police and other agencies where they exist.

Your request is therefore declined pursuant to s6(c) of the Official Information Act 1982, as disclosure would prejudice the maintenance of the law by undermining lawful cooperation between agencies. For the reasons set out above, Police can neither confirm nor deny that any information in relation to your request exists under s10 of the Official Information Act 1982.

I note that s19 of the Intelligence and Security Act 2017 specifies that the activities of an intelligence and security agency should not limit the freedom of expression of any person or class of person in New Zealand, including protest, advocacy or dissent, and that intelligence activities cannot be undertaken against an individual or group solely because they are involved in protest.

**3) Whether SIS or GCSB has provided or is providing advice or assistance to NZ Police to activities regarding People Against Prisons Aotearoa and/or member(s) of People Against Prisons Aotearoa (eg. as covered under s10(2)(a) and s13(1)(b) of the Intelligence and Security Act 2017). If so, what was the nature of the advice or assistance and how many instances of advice or assistance have been provided.**

Refer to the response to question 2.

**4) Whether there have been search warrants issued for People Against Prisons Aotearoa and/or members of People Against Prisons Aotearoa under the Search and Surveillance Act 2012. If so, what were the exact types of search warrants, how many warrants have been issued, what were the suspected offences in s6(a) of the Search and Surveillance Act 2012, what was the evidentiary material believe to have been**

**obtained in s6(b) of the Search and Surveillance Act 2012, and when have they been authorised.**

Refer to the response to question 1.

**5) Whether there have been surveillance device warrants issued for People Against Prisons Aotearoa and/or members of People Against Prisons Aotearoa under the Search and Surveillance Act 2012. If so, what were the exact types of such surveillance device warrants, what were the suspected offences in s49(1)(d) of the Search and Surveillance Act 2012, what surveillance device(s) were used in s49(1)(3) of the Search and Surveillance Act 2012, evidential material believed to be able to be obtained by use of the surveillance device in s49(1)(g) of the Search and Surveillance Act 2012, how many warrants have been issued, and when have they been authorised.**

Refer to the response to question 1.

**6) If activities have been carried out upon members of People Against Prisons Aotearoa, the number of instances this has been carried out. If so, what was the nature of these activities and what was the reason for these activities.**

Refer to the response to question 1.

It should be further noted that Police could have many reasons to interact with an individual which may have nothing to do with their membership of any protest or advocacy group, such as being a witness, victim, or potential offender in relation to any incident, among other reasons. You are invited to reframe your request in such a way that it can be responded to, pursuant to s 12(2) for due particularity.

If you are not satisfied with my response to your request, you have a right under section 28(3) of the Official Information Act to ask the Office of the Ombudsman to seek an investigation and review of my decision.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Cameron Bayly', with a long horizontal stroke extending to the right.

Cameron Bayly  
National Intelligence Centre