

Hon James Shaw

Minister for Climate Change
Minister of Statistics
Associate Minister of Finance

Minita mō Te Rerekētanga o Te Āhuarangi
Minita Tatauranga
Hoa Minita Tahua Moni



31 OCT 2018

Jem Traylen
fyi-request-8569-14119fa0@requests.fyi.org.nz

Dear Jem

I refer to your request dated 28 August 2018, pursuant to the Official Information Act 1982 (the Act), seeking:

“What advice, if any, have you received on AIT scanners?”

On Monday 3 September 2018, my Office clarified your request to mean:

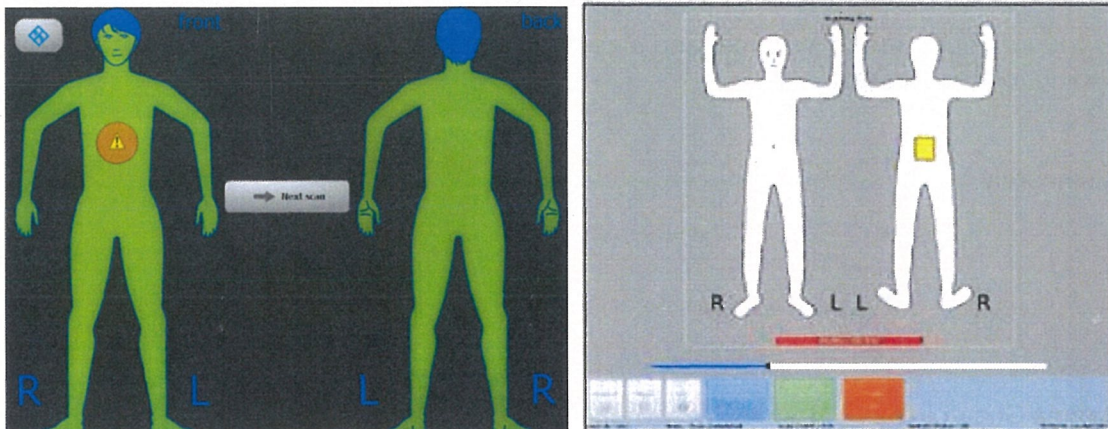
“advice Minister Genter received regarding the AIT scanners, as associate Minister of Transport, while she held responsibility for the Civil Aviation Authority, including aviation security matters (from 24 May to 9 July 2018)”.

I note in your initial request that you were concerned about *“the introduction of AIT scanners at airports which are the source of a great deal of concern for transgender and intersex passengers”* and did not recall public consultation on this matter by the Civil Aviation Authority (CAA) or the Aviation Security Service (Avsec).

I would like to take this opportunity to acknowledge your concerns about the use of Advanced Imaging Technology (AIT). I am advised that modern AIT display threat location data on a generic mannequin drawing, not an unclothed image of a person, and that the same mannequin image is displayed for all travellers regardless of gender, size or race. Modern AIT also do not store scanned data.

Some examples of modern AIT images are included below.

Examples of AIT generic mannequins



I can also assure you that under section 12(7) of the Aviation Crimes Act 1972, it remains illegal for a member of the NZ Police, any Avsec officer, any Customs officer, or any employee or agent of the carrier authorised by the carrier to undertake a search, to use an aid or device that produces an unclothed image of the person.

As you know, AIT is being introduced in New Zealand. During the planning and implementation phase of AIT, Avsec will engage with a wide range of identified community groups to understand any concerns they may have.

In relation to your request clarified on 3 September 2018, the information outlined in the table overleaf falls within the scope and is enclosed. I have considered administrative emails to be out of scope. Some information is withheld under the following grounds, provided for in the Act:

- section 6(a), which relates to information that would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand
- section 9(2)(a), which relates to the privacy of natural persons
- section 9(2)(b)(ii), which relates to information that 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)(i), which relates to information that would prejudice or disadvantage a Minister of the Crown or any department or organisation holding the information to carry out, commercial activities
- section 9(2)(j), which relates to information that would prejudice or disadvantage a Minister of the Crown or any department or organisation holding the information to carry on negotiations (including commercial and industrial negotiations).

In regards to the information withheld under section 9, I do not consider the withholding of information to be outweighed by other considerations which render it desirable in the public interest, to make that information available.

The *Advanced Imaging Technology (AIT) Trial Report* is also within scope of your request, however, I understand the CAA has already provided you with this document as part of a response to another request under the Act on 27 September 2018.

You have the right under section 28(3) of the Act to make a complaint about the withholding of information to the Ombudsman.

Thank you for your correspondence, and please accept my apologies for the delay in responding to your request.

Yours sincerely



Hon James Shaw
Acting Associate Minister of Transport

Appendix One Documents in scope of the request

| Type of document | Document number | Document | Information and grounds for withholding |
|-----------------------------------|-----------------|--|--|
| OIA request 18/OIR/262 | 1.a. | Cover page | Personal information is withheld under section 9(2)(a). |
| | 1.b. | Request | Personal information is withheld under section 9(2)(a). |
| | 1.c. | Proposed response | Personal information is withheld under section 9(2)(a). |
| | 1.d. | Proposed information for release: Briefing regarding the planned trial of Advanced Imaging Technology | Information that may prejudice the security of New Zealand is withheld under section 6(a). |
| Information supporting 18/OIR/262 | 2.a. | Advanced Imaging Technology (AIT) Trial Report | We understand you received this document on 27 September 2018 from the CAA in response to a separate OIA request. |
| | 2.b. | Avsec Executive Leadership Team paper & Authority Report paper | Information that may prejudice the security of New Zealand and commercially sensitive information is withheld under sections 6(a), 9(2)(b)(ii), 9(2)(i) and 9(2)(j). |
| | 3. | Information to support OIA request regarding Advanced Imaging Technology | Released in full. |
| Excerpts | 4. | <p>Briefing: Australian aviation security announcement, 15 June 2018</p> <p>Letter to incoming Minister, 30 April 2018 (shared with Hon. Genter on 8 June 2018)</p> <p>Updated Civil Aviation Authority briefing to the incoming Minister, 8 June 2018</p> | Excerpts within scope are released. |

