



## Office of the Prime Minister

Prime Minister  
Minister of Tourism

Ministerial Services  
Minister in Charge of the  
NZ Security Intelligence Service  
Minister Responsible for the GCSB

11 JUN 2013

Mr Robert P J Zimmerman  
Email: [fyi-request-862-1a1a1130@requests.fyi.org.nz](mailto:fyi-request-862-1a1a1130@requests.fyi.org.nz)

Dear Mr Zimmerman

### Information Request Relating to the Government Communications Security Bureau

I refer to your request of 10 May 2013 relating to the Government Communications Security Bureau (GCSB). This response also covers similar requests made to other Ministers which were transferred to the Prime Minister for response. Your request asked:

- *"What is the role of the GCSB? and*
- *why is it illegal to spy on New Zealanders? And*
- *what are the penalties for doing so?*
- *Is the information of the GCSB available to the public?*
- *Are the GCSB still spying on New Zealanders?*
- *has the GCSB been spying on protesters in the past and now and in the future?"*

I understand that you made the same request direct to the GCSB and received a response from the GCSB dated 4 June 2013 responding to the questions you raised. Enclosed is a copy of that response for your ease of reference. I have nothing to add to that response.

For completeness, you are entitled to ask the Ombudsman to review this response under section 28(3) of the Official Information Act.

Yours sincerely

Wayne Eagleson  
Chief of Staff



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COMMUNICATIONS  
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4 June 2013

Robert Zimmerman  
Fyi-request-824-fb9cab11@requests.fyi.org.nz

Dear Mr Zimmerman

#### OFFICIAL INFORMATION ACT REQUEST

I refer to your request dated 10 May 2013, in which you request:

- What is the role of the GCSB?
- And why is it illegal to spy on New Zealanders?
- What are the penalty's for doing so?
- Is the information of the GCSB available to the public?
- Are the GCSB still spying on New Zealanders?
- Has the GCSB been spying on protesters in the past and now and in the future?

In response to your first question, the role of the GCSB is outlined in the GCSB Act 2003. A copy of this can be found at [www.legislation.govt.nz](http://www.legislation.govt.nz).

In relation to your second question, it is not illegal to collect information on New Zealanders. For instance the NZSIS and New Zealand Police may gather information on New Zealanders in accordance with their statutory authority. The GCSB is bound by section 14 of the GCSB Act 2003, which states:

***14 Interceptions not to target domestic communications***

*Neither the Director, nor an employee of the Bureau, nor a person acting on behalf of the Bureau may authorise or take any action for the purpose of intercepting the communications of a person (not being a foreign organisation or a foreign person) who is a New Zealand citizen or a permanent resident.*

There are no penalties specified in the GCSB Act for breaching section 14, however section 216(b) of the Crimes Act 1961 applies to the GCSB and other agencies.


Section 216(b) prohibits the use of interception devices, except if used in accordance with the GCSB Act 2003 or other statutory authority.

In response to your fourth question, the GCSB's publicly available information is provided on the GCSB website ([www.gcsb.govt.nz](http://www.gcsb.govt.nz))

In respect of your fifth and sixth questions, some general information about the nature of GCSB's activities has been provided in the GCSB media statements on the enquiries conducted by the Inspector General of Intelligence and Security in 2012 and 2013. These media statements are available on the GCSB website. All other information about the nature of GCSB's activities is withheld in accordance with section 6(a) of the Official Information Act on the grounds that release of this information would likely prejudice the security or defence of New Zealand.

In respect of those requests which I have declined, I am required by section 19(b) of the Act to advise you that you have the right, by way of complaint to the Ombudsman under section 28(3), to seek an investigation and review of my refusal to disclose the information requested.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ian Fletcher', with a long horizontal flourish extending to the right.

 Ian Fletcher  
Director