



Office of Hon Amy Adams

Member of Parliament for Selwyn
Minister for the Environment
Minister for Communications and Information Technology
Associate Minister for Canterbury Earthquake Recovery

07 AUG 2013

CITAA12-13/338

Vikram Kumar
by email: fyi-request-903-fdc56435@requests.fyi.org.nz

Dear Vikram

I refer to your Official Information Act 1982 (OIA) request dated 1 June 2013 in relation to the Telecommunications (Interception Capability and Security) Bill (the Bill), for

“all information (including but not limited to, briefing papers, meeting notes, emails and Cabinet papers) directly or indirectly related to the need for inclusion of service providers within the ambit of the Bill as well as options and analysis of the proposed obligations, rights, penalties, notifications, processes and exemptions.”

As well as:

“all information (including the Ministry’s views and assessments) relating to encryption and decryption of services provided by network operators, service providers and resold overseas services.”

I have interpreted your request to relate to all information relating to the Bill’s provisions regarding the ‘deem-in’ of service providers, and all information in relation to encryption and/or decryption.

I have identified ten documents that contain information within the scope of your request.

The relevant sections of the following documents are released in full:

Paper title	Date
1. A3 – Network Security and Interception B – Proposed Legislative Framework	July 2012
2. A3 – Review of Telecommunications (Interception Capability) Act 2004 – potential obligations by layer	September 2012
3. Technical Paper: Telecommunications Interception Capability and Network Security	December 2012

The relevant sections of the following documents are released with partial withholdings under the following sections of the OIA:

- S6(a) – release of the information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand;

- S6(c) – release of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial;
- S9(2)(a) – withholding of the information is necessary to protect the privacy of natural persons; and
- S9(2)(g)(i) – withholding of the information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any department or organisation in the course of their duty.

Paper title	Date
4. Report – Review of Telecommunications (Interception Capability) Act (TICA)	May 2012
5. Interception and Network Security	August 2012
6. Briefing – Interception and Network Security: Options	September 2012
7. Cabinet Paper – Telecommunications Industry – Paper 1: Overview of Interception Capability and Network Security Proposals	March 2013
8. Cabinet Paper – Telecommunications Industry – Paper 2: Updating Interception Capability Obligations	March 2013
9. Cabinet Paper – Telecommunications (Interception Capability and Security) Bill: Approval for Introduction	April 2013

The relevant sections of the following document are withheld in full under the following sections of the OIA:

- S6(a) – release of the information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand;
- S6(b)(i) – release of the information would be likely to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of any other country or any agency of such a Government; and
- S6(c) – release of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

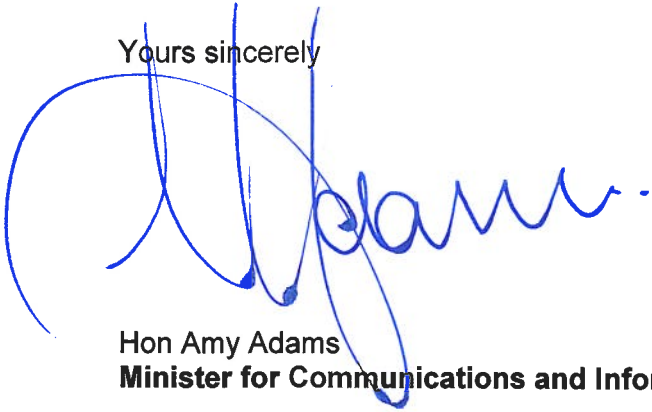
Paper title	Date
Brief – NZIC Policy and Legislation Review and Telecommunications: industry Obligations and Security	December 2012

The Regulatory Impact Statement (RIS) relating to the Interception Capability proposals in the Bill also contains information relevant to your request. The RIS can be found on the website of the Ministry of Business, Innovation and Employment, using the following link: www.med.govt.nz/sectors-industries/technology-communication/communications/legislation-relating-to-the-telecommunications-sector.

I do not consider that the withholding of the information in these documents is outweighed by other circumstances which render it desirable, in the public interest, to make that information available.

You have the right by way of complaint under section 28(3) of the OIA to an Ombudsman, to seek an investigation and review of the release of the information referred to above.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Amy Adams', with a large, sweeping flourish on the left side.

Hon Amy Adams
Minister for Communications and Information Technology