

Summary: GCSB Policy Statement PS-100 – GCSB Policy Framework

Reference number: A1659

Date: 1 July 2014

Purpose

1. This policy establishes a framework for managing the administration, compliance and review of GCSB policy.
2. The purpose of the framework is to;
 - establish responsibilities and accountability for approving, promulgating, implementing, enforcing and reviewing GCSB policy, and ensuring that they comply with relevant legislation, and partnership agreements;
 - establish a standard for the format and content of GCSB policy; and
 - establish a standard for a centralised repository and for access to GCSB policy.
3. All policy that applies to GCSB activities, whether at a GCSB-wide, directorate or unit level, must conform to this framework.

Purpose

4. A GCSB policy consists of principles, procedures or both. It has most, if not all of the following characteristics:
 - it applies to GCSB in particular or across the government sector in New Zealand;
 - it helps ensure that GCSB complies with relevant legislation, national standards, and stakeholder expectations;
 - assists GCSB to fulfil its mission;
 - assists GCSB to attain its strategic goals;
 - promotes operational efficiency and efficacy; and
 - mitigates risk to GCSB.

Policy Types

5. The Shared Services function of GCSB and NZSIS requires the ability to maintain their own policy holdings but also be able to establish joint Policy. As such policy will fall under one of three types:
 - GCSB Policy;
 - NZSIS Policy; or
 - Joint GCSB/NZSIS Policy.
6. There are two types of publications in which to convey GCSB Policy. They are:
 - Statements

- Procedures & Guidelines

Statements

7. A statement is a GCSB policy which gives a concise, formal and mandatory statement of a principle or principles at a general level. It states GCSB's position on key issues in a consistent and transparent manner, thus providing guidance for decision-making. A statement guides an aspect of GCSB activities for the foreseeable future and should therefore change infrequently.
8. Format: A statement is short and concise. It must contain Purpose, Policy and Responsibility paragraphs. The statement should conform to the layout of this document.
9. Final approval authority: A new policy statement or any change to a policy needs to be approved by the GCSB Board.

Procedures and Guidelines

10. Procedures define or constrain GCSB business practices and are therefore mandatory. Guidelines are a form of non-mandatory advice on the implementation and administration of, and compliance with policy. They guide decision-making behaviour and must be in accordance with policy. Operational procedures are often system-based and can change in response to external constraints, new processes or technology, changes to administrative arrangements, or changes in the risks associated with an area. They determine the conduct of day-to-day activity within one or more business units.
11. In a set of GCSB-wide procedures, the action outlined is followed across GCSB, that is, in any business unit where the procedures are relevant. It is a GCSB-wide document and shall be published on the Policy webpage.

Document Numbering

12. Individual numbers for Policy will be issued by the Office of the Director and recorded in the policy register.

Policy Principles

Development and Publication

13. All GCSB Policies must:
 - Support GCSB's mission, values and strategic objectives;
 - Be relevant, transparent in their intention and meaning, and developed in consultation with relevant members of the intelligence community;
 - Comply with relevant legislation and regulatory requirements;
 - Assign authority for decisions required under the policy;
 - Assign responsibility for actions required under the policy;

- Assign a Policy Custodian who is accountable for reviewing the operation of the Policy, and for monitoring its continuing relevance and impact on GCSB's activities;
- Be promulgated in accordance with the Policy Framework;
- Be developed using the Policy Templates;
- Be posted to the Policy website as the single authoritative source to which other web pages can link;
- Use a Glossary of terms for definitions, where appropriate; and
- All operational policy to be reviewed annually. All other policy to be reviewed at an interval not exceeding three years.

Application

14. The following principles apply in respect of all approved GCSB policies:
- All members of GCSB must comply with applicable GCSB policies when carrying out their duties;
 - Policies must be applied fairly and consistently, in accordance with general principles of common sense;
 - Policies and other policy publications must specify the date they take effect, after approval, which should allow sufficient time for promulgation, communication and implementation.

Authorities and Responsibilities

15. The Director GCSB has ultimate authority over policy and is the approval authority for all Policy Statements, upon endorsement from the GCSB Board.
16. The joint GCSB Board and NZSIS Executive Leadership Team will approve all Joint Policy.
17. The Policy owner has responsibility for developing the policy, obtaining the required approvals, and ensuring that the policy is implemented, monitored and reviewed, and that appropriate training is developed and conducted. The policies for which they are responsible reflect their portfolio of responsibilities.
18. The policy owner shall be the Deputy Director whose business activities require the policy.
19. A policy will specify a staff member, with the appropriate authorities, as the primary point of contact for assistance with policy implementation, interpretation and review.
20. The Office of the Director is operationally responsible for maintaining the Policy Framework, Policy Register, and Policy Archives, along with monitoring compliance with the policy development and review process.

Compliance

21. The Policy Advisor (Office of the Director) is accountable for ensuring that this framework is observed in the development of all Policy and for the progressive review of existing Policy publications.

22. Each Policy publication must nominate an Administration Officer who is accountable for managing compliance with the Policy in question, and monitoring its continuing relevance and impact on GCSB's activities.

Adherence to Policy

23. Depending upon the type of policy publication concerned, wilful or negligent noncompliance may amount to a breach of the GCSB Code of Conduct leading in appropriate cases to disciplinary action.
24. Any suspected failure to comply with policy should be reported through the management chain in accordance with the "Guidelines for Managers and Staff". If a staff member does not feel comfortable proceeding down this path or if they want clarification of the situation, they should approach the Policy Advisor, Office of the Director.

Development, Amendment and Review

25. The development or amendment of a GCSB Policy may result from the:
- Recognition of a need (e. g. legislation, new activity etc.);
 - Change in strategic direction or circumstance;
 - Policy review timetable; or
 - Problem in implementing and interpreting policies or gaps in policy coverage identified in Issues log.
26. Amendment may include cancellation of a specific Policy where it is no longer needed.
27. In analysing the issues, a decision needs to be made regarding the urgency and type of action, and whether to:
- Create an Issues Log to articulate, illustrate or note any issues for later review or development;
 - Address the problem through a mechanism other than policy process such as a memorandum to affected groups, add guidance to the Precedent's Register; or,
 - Proceed with the review process.
28. If an existing Policy requires amendment, future actions will depend on whether it is a minor or a major amendment.

Minor Amendment

29. A minor amendment to a Policy is a change of an insubstantial nature that does not affect the general meaning or intent of the policy. For example, a change to the approved name of an administrative unit or position, or a typographical error that requires immediate correction. In most cases, minor amendments can be made as an administrative change without the need for broad consultation.

Major Amendment

30. A major amendment to a policy requires consultation, communication, and implementation planning. It requires approval and rescinding of the earlier policy at the same level as the initial authorising body or person.

Development Steps

31. There are seven stages in the process for developing or reviewing policy. In practice, some of these stages occur concurrently.
1. Planning;
 2. Researching;
 3. Consulting;
 4. Drafting
 5. Approval;
 6. Implementation; and
 7. Maintenance
32. The Policy Advisor (Office of the Director) and the policy owner are to subscribe to notifications for the policy to ensure they are notified when staff members raise issues with the policy.

Implementation

33. There is a central repository where all Policy publications reside. All Policy publications are listed on the central Policy page which includes hyperlinks to the repository. Individual directorates may list Policy publications that apply to their sphere of operations on their individual web pages so long as the links point back to the central repository.