



New Zealand
Security Intelligence
Service
Te Pā Whakamarumarū

New Zealand
Security Intelligence Service
PO Box 900, Wellington

P +64 4 472 6170
F +64 4 472 8209

www.nzsis.govt.nz

27 January 2023

Scott

fyi-request-21057-b3fad1c5@requests.fyi.org.nz

Tēnā koe Scott

Official information request

Thank you for your Official Information Act 1982 (OIA) request of 7 November 2022 to the New Zealand Security Intelligence Service (NZSIS) seeking information relating to the respective direct access agreements with Immigration New Zealand and the Department of Internal Affairs. You requested:

"I would like to make a request for information relating to the NZSIS-Immigration NZ and NZSIS-Department of Internal Affairs direct access agreements that were updated and issued last month.

I would like to request:

ONE: A copy of the briefing to the minister responsible for the NZSIS seeking their approval for the recent update to the INZ agreement, including all annexes to the briefing.

TWO: A copy of the briefing to the minister responsible for the NZSIS seeking their approval for the recent update to the DIA agreement, including all annexes to the briefing.

THREE: If it isn't included in the annexes, I would also like to request copies of the comments provided by the Privacy Commissioner and IGIS on the update to these two agreements, and NZSIS' responses to these comments."

You were advised on 5 December 2022 that the time limit for responding to your request had been extended to 23 January 2023 because the consultations necessary to make a decision on your request were such that a proper response could not reasonably be made within the original time limit. You were subsequently notified by email of a small delay on 20 January 2023. This email advised you of the NZSIS's decision to release the material requested, with some information withheld under sections 6(a), 9(2)(a) and 18(d) of the OIA. Following this, I am now in a position to respond. I appreciate your patience and apologise for the delay in finalising the documents you requested for release.

Response

Please find a copy of the material you requested enclosed. As noted, a small amount of information has been withheld under the following sections of the OIA:

- Section 6(a), where the making available 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; and
- Section 9(2)(a), as the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.

Where section 9 grounds have been applied I do not consider that the need to withhold this information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.

In addition, you will note that the briefing notes refer to draft versions of the Direct Access Agreements and Privacy Impact Assessment Reports being enclosed. Both restricted and unclassified versions of these documents were provided to the Ministers with these briefings. The restricted versions need to be withheld under section 6(a) of the OIA, as outlined for the reasons above. However, unclassified versions of these documents have been published on the NZSIS's website at <https://www.nzsis.govt.nz/about-us/working-with-others/>. Accordingly, insofar as your request relates for the unclassified versions of this information, I am refusing these parts of your request under section 18(d) of the OIA, as the information is publicly available.

Review

If you wish to discuss this decision with us, please feel free to contact oa.privacy@nzsis.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that the NZSIS proactively publishes OIA responses in accordance with the expectations of Te Kawa Mataaho/the Public Service Commission. We intend to publish this letter (with your personal information removed) and enclosed documents on the NZSIS's website. Publication of such responses is done on a quarterly basis.

Ngā mihi



Rebecca Kitteridge

Te Tumu Whakarae mō Te Pā Whakamarumarū
Director-General of Security