



GOVERNMENT
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TE TIRA TIAKI

Briefing Paper

Talking points for your meeting with Spark CEO Simon Moutter in re: TICSA Notification -451

To Andrew Hampton, Director-General GCSB
From S 6(a) and S 9(2)(a)
For your Information
Date 27 November 2018

Action sought

	Timeline
Note Attached talking points in preparation for your meeting with Spark CEO Simon Moutter S 6(c)	As soon as practicable

Contacts for telephone discussion (if required)

Name	Position	Telephone	1 st Contact
Lisa Fong	Deputy Director, IACS	S 6(a) and S 9(2)(a)	X
S 6(a) and S 9(2)(a)			

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Talking points for your meeting with Spark CEO Simon Moutter in re: TICSA Notification -451

Purpose

1. This briefing paper provides talking points for your meeting with Spark CEO Simon Moutter S 6(c) about your decision on Spark's 5G Phase 1 notification (our reference NCSC-TN-2018-451).

Background

2. In the lead up to this decision, there have been a number of public statements by Mr. Moutter and others regarding 5G and Huawei, which provide some insight into potential questions that may be forefront on Mr. Moutter's mind.

Comment

3. The following talking points (overleaf) provide a high-level summary of your decision, and answers to potential questions that may be raised by Mr. Moutter.

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This is my decision

The purpose of this meeting is to advise you of the outcome of my decision under TICSA.

First off, I'd like to express my appreciation for the constructive way in which you and your staff have engaged on this matter.

I have concluded that the changes proposed in your notification would raise a significant network security risk.

My decision is based on a number of factors, some of which are classified.

At an unclassified level, the factors I consider relevant to the likelihood of compromise:

S 6(a)



S 6(c)

We will assess any proposed mitigations you propose.

S 6(c)



Our people are available from tomorrow to provide a classified briefing to your cleared staff. At the end of that briefing, an unclassified record of my decision will be provided.

I have advised relevant Ministers of my decision. We do not intend to make my decision public.

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Is there any incontrovertible evidence to support your conclusion?

S 6(c)

Within that classified information is further evidence I have relied on. I cannot discuss that reporting with you. Some of that classified information will be available in the decision paper that will be reviewed by your cleared staff.

What mitigations can we put in place?

S 6(a)

Have you been put under any pressure from the United States (or Australia or our other Five Eyes partners)?

No.

While we receive relevant intelligence from our US and Australian partner agencies, there has been no pressure to adopt a particular position. Our partners recognise that New Zealand will make an independent decision in accordance with our legislative framework.

Was the impact on the Five Eyes relationship a factor taken into consideration?

No. The relevant considerations are all set out in the Act.

We look for network security risks raised by the network changes outlined in the notification.

There are two mandatory considerations:

- the likelihood of a compromise of the confidentiality, availability, or integrity of communications over that network, and
- the impact such a compromise would have on essential services, such as local and national government services, health, transport and education services, and services within the finance, energy, and food sectors.

The impact of a decision on our Five Eyes relationship is not a relevant factor.

S 6(a)

S 6(a)

A question about the Core versus RAN, or why things are different now **S 6(a) and S 9(2)(a)**
available to assist with this issue)

S 6(a) and S 9(2)(b)(ii)

Isn't HCSEC ("hatch-see-sek" a/k/a UK Cell) testing enough? **S 6(a) and S 9(2)(a)**
available to assist with this issue)

S 6(a)

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S 6(a) and S 9(2)(a)

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Recommendations

It is recommended that you:

1	Note	The attached talking points.	Yes/No
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Andrew Hampton

Director-General, GCSB

27 November 2018

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