



11 December 2023

Sebastian

fyi-request-15138-2112bc5b@requests.fyi.org.nz

Reference: OIA-2020/21-0676

Dear Sebastian

Official Information Act Complaint

I refer to your follow-up request made under the Official Information Act and received on 17 June 2021. Your request was for:

“...I would like to renew my request for a copy of the Counter-Terrorism Handbook. For clarity, my request is for the document referred to in the CT/CVE Capability Review as “Counter-Terrorism Handbook, DPMC, October 2019, RESTRICTED,” as opposed to the unclassified one-page summary that is accessible on the DPMC website.

Further, the Counter-Terrorism Strategy Implementation Plan 2020 refers to “policy and operational frameworks” for managing New Zealand foreign terrorist fighters and their repatriation. I request copies of these frameworks.

I would also like to request copies of these documents referred to in the Royal Commission report:

ONE: *“In June 2019, the CTCC agreed that information access and sharing were vital to understanding the threat. It suggested removing legislative barriers, leveraging open-source intelligence capability, developing online platforms for agencies to collaborate and enhancing information sharing mechanisms between Public sector agencies and selected private organisations.”*

I request a copy of this report

TWO: *“A 20 June 2019 report to the Security and Intelligence Board noted that work had not yet commenced on measuring or assessing its own governance and coordination performance...”*

I request a copy of this report, if it is different to the June 2019 report referred to above.

THREE: *“In July 2016, the Security and Intelligence Board recognised the “urgent need for agencies to [sort out] New Zealand’s counter-terrorism arrangements in line with ministerial expectations” and noted the continuing absence of an overarching strategy for counter-terrorism.”*

I request a copy of the document containing these observations.

FOUR: *“In 2017, [DPMC]... advised the Security and Intelligence Board that there were still no measures to demonstrate impact. It noted that one of the factors “stopping intelligence and assessment about the national intelligence*

*priorities from informing decision-making and policy-making to the fullest extent” was that “current priority descriptions are not clear enough...”
I request a copy of the document containing these observations.*

FIVE: *“The last national-level counter-terrorism exercise before the 15 March 2019 terrorist attack was in 2014. Comprehensive evaluation reports are prepared after each exercise, which include lessons identified and corrective action plans to address those.”
I request a copy of the evaluation report and corrective action plan for the national-level counter-terrorism exercise conducted in 2014.*

SIX: *“In 2016, the Security and Intelligence Board was told that a CT operation identified that “the system overall appears under-prepared to facilitate effectively the sharing of highly sensitive, [compartmented] intelligence to those who need it, when they need it”. The CTCC was asked to address this, along with other matters identified in a corrective action plan following that operation.”
I request a copy of the report to the Security Intelligence Board that contains these observations. I also request a copy of this operation's corrective action plan.*

SEVEN: *“In mid-2018 the Specialist Coordinator... directed a National Assessments Bureau analyst to conduct a stocktake of Public sector agencies’ online activity to counter extremism.”
I request a copy of this stocktake...”*

As you are aware, the Department of the Prime Minister and Cabinet wrote to you on 12 August 2021, and again on 29 November 2021 declining parts of this request, under the following sections of the Official Information Act:

- 6(a) as the making available of that information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand, and
- 9(2)(g)(i) 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 public service agency or organisation in the course of their duty.

Subsequent to this response, you requested that the Office of the Ombudsman investigate my decision to withhold information covered by your request. After discussions with the Office of the Ombudsman and the time that has elapsed since your original request, I have decided that it would be appropriate to reconsider and release some of the previously withheld information to you.

Please find enclosed the following information that is now being released:

- Document 1, *SIB System Health* relevant to Part Two of the request.
- Document 2, *National Intelligence Priorities – 2018 Refresh*, dated 13 December 2017. This is the document in scope of Part Four of the request.
- Document 3, *Stocktake of New Zealand agency activity to counter extremism online* relevant to Part Seven of your request.

These documents are being released to you subject to information being withheld under the following sections of the Act:

- 6(a) as the making available of that information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.
- 6(b)(i) as the making available of that 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.
- 9(2)(g)(i) 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 public service agency or organisation in the course of their duty.

It is further noted that a summary is being provided under section 16(e) of the Act for Annex A of Document 2, which is withheld in full under section 6(a).

I have also decided to release the following document to you in full:

- Document 4, *Coversheet for SIB Item 3* relevant to Part Three of your request.

In making my decision, I have considered the public interest considerations in section 9(1) of the Act.

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

Yours sincerely

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Julian Grey
Acting Executive Director
National Security Group

cc: Office of the Ombudsman
Ombudsmen reference: 571082