

12 August 2022

Ali Anwar

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OIA 28147

Tēnā koe Ali Anwar

I refer to your email of 9 June 2022 in which you request the following under the Official Information Act 1982 (OIA):

Earlier this year, you announced that New Zealand had been added to a list of 'CFIUS Exempted Foreign States' by the US government. This addition eased legal requirements that made it more costly for 'dual' citizens like Peter Thiel and Larry Page to invest in corporations connected to the US intelligence establishment.

Section 800.1001 of US CFR Title 31 specifies that states which wish to attain this status must abrogate their sovereignty and allow US intelligence to further surveil their citizens and corporations.

I am requesting:

- * all documents relating to the decision to pursue this status*
- * all documents relating to the concessions made as part of this negotiation*
- * any communications with 'New Zealand citizens' and their representatives lobbying for this change- including those from paper citizens like Thiel and Page*

On 8 July 2022, the deadline to respond to your request was extended to 12 August 2022.

The information relevant to your request is attached. We have withheld some information under the following sections of the OIA:

- 6(a): to avoid prejudicing the security or defence of New Zealand or the international relations of the New Zealand Government;
- 6(b)(i): to protect the passing of information from another government on a confidential basis; and
- 9(2)(a): to protect individuals' privacy.

New Zealand's accession to the United States (US) 'excepted states list' was publically described by the US Treasury Department as being based "among other factors, on its intelligence-sharing relationship with the United States and its collective defence arrangement and cooperation with the United States". No negotiations with the US took place on this issue and we have no records of New Zealand citizens lobbying for this change. As such, we have no information to release in

response to your second and third requests. Therefore, we are refusing these parts of your request under section 18(e) of the OIA.

Where the information has been withheld under section 9 of the OIA, we have identified no public interest in releasing the information that would override the reasons for withholding it.

Please note that we may publish this letter (with your personal details redacted) on the Ministry's website.

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to be 'SC', written in a cursive style.

Sarah Corbett
for Secretary of Foreign Affairs and Trade