



Prime Minister

SCANNED

16 March, 2009

Dr Warren Tucker
Director of Security
New Zealand Security Intelligence Service
PO Box 900
WELLINGTON

Dear Dr Tucker

The Inspector-General of Intelligence and Security, the Hon. Paul Neazor, has recently forwarded the report that I commissioned from him on 10 February on the Service's policies and practices relating to the creation, maintenance and closure of files on New Zealanders. This report, as you know, arose out of concerns expressed by Mr Keith Locke, MP.

I have read the report carefully, and understand that you have also received a copy. As foreshadowed when the report was requested, it is my intention to release the report publicly. I will be doing that this afternoon. It is desirable that there be a suitable level of transparency about and accountability for the Service's activities.

Precisely because of the nature of the work the Service is engaged in, however, special arrangements are required to provide the necessary level of public assurance. I fully accept that much of what the Service is engaged in is not able to be revealed in the same manner that it would be for another state agency.

As you know well already, the role of the Inspector-General of Intelligence and Security is designed to assist me, as Minister responsible. His purpose is to provide me with independent oversight of the Service's activities, so that assurance can be given to the public at large that those activities comply with the law. The Inspector-General also provides a formal mechanism to allow complaints to be independently investigated. In that regard, I welcome the manner in which Mr Neazor has undertaken his statutory function on this occasion, and accept the judgements he has provided in his report.

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I therefore invite you to consider Mr Neazor's report carefully, and move to incorporate his recommendations and judgements about the Services procedures.

In particular, I expect you will wish to address the matters relating to the 1995 criteria for personal files; the subsequent administrative instructions that reflect the move to electronic recordkeeping; to what extent these criteria and instructions are being implemented as envisaged; and how those provisions relate to requirements of the Public Records Act 2005. I am aware that you have been engaging with Archives New Zealand over how to handle Service material, and look forward to the early conclusion of a suitable arrangement that provides appropriate protection for your records. The distinctions drawn between current files and old files, and personal and security threat material, are important. Mr Neazor's report highlights to me that some further work is required to establish a suitable overall system. Then there is the question of ensuring proper implementation of agreed policies.

Mr Neazor also commented on what personal records, paper or electronic, the Service should or should not hold, taking into account personal privacy. Whilst I acknowledge that significant steps have been taken in recent times to provide access for persons to their own personal files, it is important that issues such as what should usefully be kept, on what basis, and for how long, are addressed. I expect you may want to consult the Privacy Commissioner as you address matters covered in Mr Neazor's report.

Mr Neazor also made recommendations in respect of how the Service could address any activities in relation to Members of Parliament. In particular, he suggested that when a person becomes a Member, any personal file or record should be de-activated. I have noted his recommendation that a formula be developed, reflecting that currently existing between Police and the Speaker. I propose to refer a copy of Mr Neazor's report to Mr Speaker for his consideration of this suggestion.

In conclusion, as the responsible Minister, I welcome your assurance that you accept the findings of the report, and will act with due speed to ensure that its observations are taken heed of, and its recommendations acted upon as necessary. Mr Neazor is available to assist you in taking forward any aspect of his report, if you would find that helpful.

I have also asked Mr Neazor to undertake a further brief review in six months time, to report on how far his recommendations have been able to be proceed.

Yours sincerely



Hon John Key
Prime Minister