

Release of Information held by the New Zealand Security Intelligence Service

The New Zealand Security Intelligence Service (NZSIS) is subject to the Official Information Act 1982 (OIA) and the Privacy Act 1993. This legislation provides for members of the public to gain access to government records, subject to certain provisos.

Both Acts provide for requests to be declined where there are security or privacy concerns, and in some circumstances for the NZSIS to decline to confirm or deny whether or not any information is held. There is also provision for requests to be declined where the information sought is not readily retrievable.

Since the passing of these Acts the NZSIS has assessed requests on an individual basis and where possible information has been released. This has usually been in the form of photocopies of documents held on file.

In 2003, the NZSIS adopted an archives policy to aid the proactive declassification of historical records and their transfer to Archives New Zealand. A key element of the archives policy is that the NZSIS would deal impartially with information, regardless of whether the information reflects unfavourably on it or shows it in a good light. Subsequent publicity has led to an increase in requests for access to personal information, which are considered under the Privacy Act. Since then, recognising the historic value of these records and the public interest in them, the NZSIS has made every endeavour to be forthcoming and as open as possible.

The NZSIS recognises that some of the information it releases may be very personal and/or sensitive. The NZSIS will only release information to the individual concerned or to their family on verification of the relationship. A person's security status and membership of organisations once of security interest are not usually made public. Examples of other privacy-sensitive information held on old files include convictions, physical and mental health, financial circumstances, and adoptions. This information is never released.

Under no circumstances will the NZSIS comment publicly on the contents of a personal file. The NZSIS welcomes discussion from the individuals concerned and advises each recipient of a personal file that they may request the NZSIS to correct any incorrect personal information held on its files.

The NZSIS recognises that it must function within a parliamentary democracy and sees one of its fundamental roles as safeguarding that democracy. This is reflected in a number of amendments made over the years to the NZSIS Act 1969. The NZSIS is not actively investigating any current Members of Parliament.

The greater openness by the NZSIS has been well-received. Recipients of declassified reports have generally viewed them in their historical context. NZSIS methods and information-collection priorities have altered over the years as the nature and perceptions of threats to security have changed. The practices of the NZSIS that are reflected in some of the personal files are of a different era. They were meticulous in detail and often included material that would not be included today.

Sometimes even early documents, or sections of them, cannot be made public for security reasons. Examples of information withheld include still-current operational techniques, the

identity of agents and other sources of information and NZSIS staff, and material provided by overseas liaison services where permission to release it has not been received.

In the 2008 calendar year 26 people were sent information about themselves drawn from NZSIS records. Thirteen other people were informed that no record of them could be found. A further 24 requests have been received so far this year. These requests are still being processed but at this stage it appears that about half of the individuals are unknown to the NZSIS. Two staff are engaged in responding to OIA and Privacy Act requests. Their current workload is such that the planned transfer of old records to Archives New Zealand is being delayed somewhat.

To seek access to any information that may be held about you by the NZSIS, apply in writing to the NZSIS or refer to the website (www.nzsis.govt.nz) for information on how to apply.

In summary, while there has been some criticism about the personal nature of some information released from early files, it must be borne in mind that:

- It needs to be viewed in historical context
- NZSIS methods and information-collection priorities have altered significantly over the years as the nature and perceptions of threats to security have changed
- NZSIS respects the privacy of those concerned
- Information has been used appropriately for official purposes
- Such material is usually only released, upon request, to the individual concerned, or to their family upon verification of the relationship.