



## OFFICE OF THE INSPECTOR-GENERAL OF INTELLIGENCE AND SECURITY

### WORK PROGRAMME 2019/2020

The Office of the Inspector-General provides independent oversight of New Zealand's intelligence agencies to ensure they operate lawfully and in a manner New Zealanders would think proper. I do this predominantly by examining selected areas of the work of the NZSIS and the GCSB, focusing on the systems they have in place to ensure that individual human rights and other legal obligations are respected, consistent with national security objectives.

In the aftermath of the 15 March 2019 attack on the Christchurch Mosques this process of review and assessment must be maintained. The attack has brought additional scrutiny on the agencies in the form of a Royal Commission. I expect to provide some assistance to the Commission in the coming year. I will also be paying attention to the agencies' response to the attacks, through my normal practice of inspecting all intelligence warrants and undertaking a deeper examination of activities done under warrant where that is called for.

My oversight of the agencies retains the systematic approach followed in previous years. This includes continuing with reviews begun in 2018-19 and beginning to appraise new areas of agency operations. I aim to continue the development of broad and deep expertise within my Office, so that the public can have confidence that agency activities are effectively scrutinised.

I have consulted the Minister responsible for the NZSIS and the GCSB on the work programme and I have taken into account his comments and those of the agencies. As the Inspector-General is independent, the final determination of the work programme rests with me.

#### **Inquiry relating to both NZSIS and GCSB**

- **Own initiative inquiry into the role of the GCSB and the NZSIS, if any, in relation to certain specific events in Afghanistan.** This inquiry commenced in 2018-19 into certain events in Afghanistan, some of which relate to the events described in the 2017 book *Hit and Run* by Nicky Hager and Jon Stephenson. Events relating to Operation Burnham are within the scope of this inquiry. The terms of reference are here: [www.igis.govt.nz/assets/Uploads/Inquiry-Terms-of-Reference.pdf](http://www.igis.govt.nz/assets/Uploads/Inquiry-Terms-of-Reference.pdf)

#### **Contribution to the Royal Commission of Inquiry into the Christchurch Mosque shootings**

- The terms of reference for the Royal Commission provide for it to consult the Inspector-General if that will assist it to perform its duties. The nature of any input by the Inspector-General is yet to be determined but we will make available the OIGIS's expertise and our ability to look in depth across the range of the agencies' activities.

## Operational reviews: GCSB

- **Review of GCSB “open source” activities.** Internationally, intelligence and law enforcement agencies increasingly use specialised tools and methods to analyse publicly available (‘open source’) information. This review will examine how the GCSB carries out open source activities, including how they apply the guidance in the relevant [Ministerial Policy Statement](#).
- **Review how GCSB’s access operations are conducted.** To give effect to an intelligence warrant, GCSB may access an information infrastructure or class of infrastructures (s 69 of the Intelligence and Security Act 2017). Information infrastructures are defined in the Act to include information technology systems and networks and any communications carried on, contained in or relating to them. This review will examine how the Bureau conducts access operations for the purpose of intelligence collection and analysis, including how such operations are planned, recorded and internally reviewed.
- **Review a selection of operations under warrant involving the GCSB sharing “raw” (unprocessed) data with partner agencies, to assess adequacy of conditions and checks on compliance.** GCSB may share lawfully collected “raw” (unprocessed) data with partner intelligence agencies, subject to conditions and compliance obligations. This review will consider whether the conditions and compliance obligations are adequate.
- **Review of access by GCSB staff to partner data.** GCSB may lawfully access intelligence data gathered by some partner agencies, subject to compliance rules. This review will consider whether instances of access by GCSB staff to partner data met partner compliance requirements and were lawful, with particular regard to whether those instances of access were necessary, proportionate and involved the least incursion possible into privacy interests.

## Operational reviews: NZSIS

- **Review of NZSIS’s role in relation to recommendations concerning citizenship and immigration status applications.** The NZSIS can make recommendations under the Citizenship Act 1977 and the Immigration Act 2009 where there are matters relevant to security. This review will examine a sample of NZSIS recommendations under both Acts.
- **Review of NZSIS “open source” activities.** As for the GCSB, this review will examine how the NZSIS carries out open source activities, including their consistency with guidance in the relevant [Ministerial Policy Statement](#).
- Two operational reviews relating to the Service begun in 2018-19 are near completion: a review of a sample of adverse and qualified security clearance (‘vetting’) decisions; and a review of NZSIS’s operational engagement with other government agencies at the New Zealand border.

## **Regular and ongoing operational reviews of both NZSIS and GCSB**

- **Review of all new intelligence warrants.** All intelligence warrants issued to NZSIS and GCSB are reviewed as they are granted. Selected warrants are subjected to extended scrutiny (a “deep dive”), from formulation of the intelligence case to the reporting of information obtained.
- **Review of other agreements and authorisations relating to intelligence gathering.** The intelligence agencies are able to acquire other forms of authorisation under the Intelligence and Security Act 2017 and to enter arrangements for information sharing with New Zealand and foreign government agencies. The Inspector-General reviews such authorisations and agreements as they arise. These include Direct Access Agreements for access to government databases; Business Records Approvals and Directions, for acquisition of business records from telecommunications and financial service providers; permissions to access restricted information (eg tax records); and assistance and cooperation agreements with foreign counterparts. Human Rights Risk Assessments and Human Rights Risk Reviews, required in certain circumstances by agency policy, are also subject to review by the Inspector-General.

## **Inquiries into complaints received**

- Each year the Inspector-General inquires into a number of complaints received about the acts, omissions, practices, policies or procedures of the intelligence agencies.

## **Community engagement**

- The Inspector-General and Deputy Inspector-General engage with community groups and non-governmental organisations to explain the work of the Office and keep in touch with community perspectives on issues of national security and privacy. The attack on the Christchurch Mosques has brought unprecedented attention to national security issues in New Zealand and underscores the need for my Office to continue to seek out a diverse range of experiences and views in order to better understand the impact of intelligence and security activities on the community, and our role in that. This public engagement is likely to be an increasingly important part of our work in the coming year.