



29 August 2025



Ref: OIA-2025/26-0098

Tēnā koe ,

### Official Information Act request relating to Search and Surveillance Powers

Thank you for your Official Information Act 1982 (the Act) request, the following part of which was transferred to the Department of the Prime Minister and Cabinet (DPMC) on 5 August 2025:

*“Powers of Intelligence Agencies and Other Exemptions  
Any records or correspondence regarding changes to the powers of intelligence agencies or any agencies not included in the Search and Surveillance Act. This includes any discussions or reviews considering the extension of search and surveillance powers to these agencies.”*

### Refinement of your request

As you are aware, our initial assessment of this request led us to seek refinement from you to ensure its manageability. In particular, we asked that you consider specifying a timeframe, type(s) of documents, and/or specific agencies of interest to help narrow the scope of your request.

In regard to types of documents, you indicated in your clarification that you are particularly interested in “*key documents*” but declined to limit your request to specific types of information due to your concerns about Government agencies acting in bad faith. Likewise, while you named the Government Communications Security Bureau (GCSB) and the New Zealand Police (Police) as agencies of particular interest, you stated that your request is intended to cover all agencies “*that have legislation-based search powers against New Zealand citizens.*”

As concerns the timeframe, you noted that you might be willing to limit the scope to information from November 2023 onwards but clarified that your request nevertheless seeks all information from 2012 onwards. While narrowing the timeframe to November 2023 onwards would reduce the scope of your request, our assessment is that substantial collation and research would still be required to respond.

### Information to be refused

Following a thorough assessment of the work required to collate the information you are seeking; I have decided to refuse your request under section 18(f) of the Act, as the information requested cannot be made available without substantial collation or research. In reaching this decision I have considered whether an extension of time or imposing a charge could mitigate the reason for refusal, per section 18A of the Act. Indeed, I have determined that the significant manual work required to gather and assess the information for relevance, coupled with the limited number of staff authorised and able to complete this work, mean responding to your request would unduly impact the efficient administration of our agency. Neither an extension nor charging would therefore resolve these issues.

### **Context – Possible changes to the Intelligence and Security Act 2017**

Relevant to the part of your request for information from November 2023 onwards, DPMC is currently providing advice to Ministers on potential changes to the Intelligence and Security Act 2017 (ISA), drawing on the recommendations of the recent review of the ISA and other considerations. As Ministers are yet to reach final decisions on these changes, if assessed for release, much of this advice is likely to be withheld under the following sections of Act:

- 9(2)(f)(iv), to maintain the constitutional conventions protecting the confidentiality of advice tendered by Ministers of the Crown and officials.
- 9(2)(h), to maintain legal professional privilege.

In addition, due to the subject matter, some information would also be likely to be withheld under the following sections of the Act:

- 6(a), to avoid prejudicing the security or defence of New Zealand or the international relations of the Government of New Zealand and/or
- 6(b)(i), to avoid prejudicing the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of another country or its agencies.

Generally, if Cabinet decides to make amendments to legislation, much of the material will be released around the time the resulting amendment legislation is introduced, or during the Select Committee process. We anticipate this would be the case for any ISA amendment legislation, while being mindful of the reasons to withhold some information outlined above.

### **Making a request with due particularity**

Given your interest in the GCSB, you may wish to look at a response DPMC proactively released in April 2024: <https://www.dPMC.govt.nz/sites/default/files/2025-05/dPMC-roia-oia-2024-25-0625.pdf>. You will see that the requestor sought information related to one agency, and for a much narrower timeframe. Even so, that request had to be extended due to the collation and consultation required.

I encourage you also to consider submitting a new request with due particularity. For example, you could:

- narrow the timeframe to a shorter period of interest (e.g., a single calendar or financial year).
- specify the types of documents you are seeking (e.g., briefings, reports, or correspondence).
- direct your request to specific agencies that are most likely to hold the information you are seeking (e.g., GCSB for information about that agency).

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

This response will be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Nāku noa, nā,



Sean Bolton  
**Executive Director**  
**Risk and Systems Governance Group**