



GOVERNMENT
COMMUNICATIONS
SECURITY BUREAU
TE TIRA TIAKI

Fact Sheet – GCSB Response to Privacy Requests

This fact sheet provides information to the public about how the Government Communications Security Bureau (GCSB) applies section 32 of the Privacy Act 1993 when responding to privacy requests, and explains why we sometimes use the response “neither confirm nor deny”.

The objectives of the GCSB are to contribute to the national security of New Zealand; the international relations and well-being of New Zealand; and the economic well-being of New Zealand.

Everything that we do needs to be in accordance with New Zealand law and New Zealand’s human rights obligations, and is subject to a very stringent warranting and oversight regime.

We aim to be as open as possible about our work. Due to the sensitive nature of what we do, however, revealing details about what we do or do not know can prejudice New Zealand’s interests. The GCSB could be the target of co-ordinated information requests from people who want to know if they are under investigation, and who may share responses with each other to draw conclusions about what the GCSB is or is not aware of or the nature of our capabilities.

The GCSB makes a decision on a case-by-case basis about what, if any, information is provided in response to a request. We must protect our activities, sources of information or methods, partners, and GCSB staff identity. If we don’t, it would potentially have an impact on people’s safety, as well as limit our ability to achieve our objectives.

People who receive a “neither confirm nor deny” response should not draw conclusions that they are under investigation or pose a security risk, or that we hold information about them.

Confirming that we do hold information about a person raises the following issue:

- Confirming that we hold information on a person who is preparing to undertake, for example, terrorist or malicious cyber activities may prompt that person to take actions that mean that we can no longer access information about that person or their activities. This may, in turn, cause difficulties for law enforcement agencies.

Confirming that we do not hold information raises the following issue:

- If someone who is the agent of a foreign intelligence service operating in New Zealand receives a ‘no information held’ response, they will know they haven’t been detected and may prompt them to take actions they would not otherwise take if they believed their actions were known.

We understand that receiving a “neither confirm nor deny” response may cause concerns and be unsettling (see [Privacy Commissioner case note 284416](#) about such responses). The GCSB is subject to a number of safeguards and oversights. If you receive a “neither confirm nor deny” response from us, you may wish to seek a review of that decision by contacting either:

- In the first instance, Privacy Commissioner (www.privacy.org.nz); or
- If issues remain, the Inspector-General of Intelligence and Security (www.igis.govt.nz).