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[Insert file number]

10 November 2014

Mr Kevin List  
Political and Media Advisor  
Green Leaders' Office  
Room 14.04, Bowen House  
PARLIAMENT HOUSE

Dear Mr List

I refer to your request to the Department of Prime Minister and Cabinet dated 19 September 2014 and subsequently transferred to the GCSB. You requested:

- *"With respect to the Official Information Act I would like to request any correspondence (emails, reports or file notes) regarding the decision to declassify and release documents that countered claims made by journalist Glenn Greenwald. The timeframe for this request is from the start of September 2014 till now.*
- *With respect to the Official Information Act I would like to request any correspondence (emails, reports or file notes) regarding Cortex not declassified and released.*
- *With respect to the Official Information Act I would like to request any correspondence (emails, reports or file notes) regarding Speargun not declassified and released."*

In response to your first question, the redaction of the Cortex cabinet paper was largely completed in late July. It was decided not to proactively release the document at that time.

GCSB met with DPMC and the Prime Minister's Office on the morning of 11 September 2014. PMO noted the PM may wish to release CORTEX related cabinet minutes and papers, four documents in total, on or around 15 September. It was agreed that the GCSB was best placed to confirm what content in these documents would need to be redacted before release.

The previously redacted document and other identified documents were reviewed and appropriate redactions completed. Three emails dated 12, 15 and 16 September are attached. These emails have been redacted under the provisions of sections 6(a), release would likely prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand, and 9(2)(a), withheld to protect the privacy of GCSB employees.

In response to your 2<sup>nd</sup> and 3<sup>rd</sup> requests, in accordance with the provisions of section 6(a), I decline to provide the information requested on the grounds that to do so would likely prejudice the security or defence of New Zealand or the International relations of the Government of New Zealand.

To disclose anything further than what has already been released would put information disclosing sensitive operational and technical details of GCSB and partner capabilities which are susceptible to countermeasures that would render such capabilities ineffective.

In accordance with section 19 of the Act, you have the right, by way of complaint under section 28(3) to an Ombudsman, to seek an investigation and review of the refusal.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'I. Fletcher', written in a cursive style.

Ian Fletcher  
Director

s.9(2)(a)

**From:** s.9(2)(a)  
**Sent:** Monday, 15 September 2014 5:15 p.m.  
**To:** s.9(2)(a)  
**Subject:** FW: Review of decision making around cyber security initiatives  
**Attachments:** 2.pdf; 3.pdf; 4.pdf; 1.pdf

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**From:** s.9(2)(a)  
**Sent:** Monday, September 15, 2014 5:11 PM  
**To:** s.9(2)(a)  
**Subject:** FW: Review of decision making around cyber security initiatives

These are the docs that have been declassified and are ready to go. They do, however, require some form of explanatory timeline. It could go on the bottom of the statement and should be worked up from this:

April 3 2012 Minute - Cabinet asks for business case on cyber security protection initiative.

September 2012 - it becomes clear there are issues with gcsb surveillance of kdc.

After this kitteridge called in, probs with legal framework and internal issues in bureau identified through reviews.

March 2013 - PM tells gcsb not to bring business case forward. Informs bureau it is too broad. Budget contingency funding will be rolled over and used for something else in cyber security.

September 2013 - formal rescinding of request for business case and notice of new, narrower project. It had become known only as initiative 7418 through the Budget process because of its classification.

July 2014 - Cabinet agrees Cortex - narrower cyber security programme. (Cab paper also and minute)

s.6(a)

Other than all that I think it's good to go. You guys should feel free to tinker with language if you want to. Run final past s.9(2)(a) please (he's ok with draft). PM wants to release all four docs. Please have a look ya then with fresh eyes to judge if that is correct approach in your view or not. I've been looking at it for a million years now.

s.9(2)(a)

-----Original Message-----

**From:** s.9(2)(a)  
**Sent:** Friday, September 12, 2014 04:07 PM New Zealand Standard Time  
**To:** s.9(2)(a)

Cc: s.9(2)(a)

Subject: Review of decision making around cyber security initiatives

s.6(a)

[CONFIDENTIAL]

Free and Frank

Afternoon s.9(2)(a)

Further to the work started several months ago, we have been reviewing material relating to decisions on cyber security initiatives over the last few years.

There have been revelations in overseas media based on "leaks", and a group of people from overseas promising revelations shortly about New Zealand.

There was an effort to declassify a Cabinet Paper several weeks ago. We have reviewed that one and made some extra redactions, as well as reviewing papers earlier in the decision making process.

See attached.

s.9(2)(a)

s.9(2)(a)

DEPARTMENT  
*of the* PRIME MINISTER  
*and* CABINET



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Look for Classification Marking in Message Body

s.9(2)(a)

**From:** s.9(2)(a)  
**Sent:** Tuesday, 16 September 2014 9:25 a.m.  
**To:** s.9(2)(a)  
**Cc:**  
**Subject:** Media reporting re CORTEX  
**Importance:** Low

**Classification:** ~~SENSITIVE~~

Dear All

Later today I might send out an all-staff note about current media reporting. On CORTEX in particular, s.9(2)(a) wanted to mention that various Cabinet minutes, plus the CORTEX Cabinet paper, were released yesterday evening. Decisions were taken by our Minister's office, of course, but GCSB's been involved in checking what needs to be redacted to preserve security, equities, etc. Please be assured that this is being very tightly controlled at the GCSB end, and that our only priority is 'the mission', if you'll excuse the phrase. s.9(2)(a) reckon the releases might make implementation of CORTEX easier, from a customer-facing perspective – we can even imagine a possible world in which, after the election, there's a serious public debate about cyber security and what GCSB really does. My thanks to various peoples.6(a) – for preparing briefings over recent days.

Any concerns/questions, please drop by my desk. Today and tomorrow I'm on level 9. Thanks, s.9(2)(a)

s.9(2)(a)

