

(U) Second Party National Identity Rules, Continued

Section B.4. – (U) New Zealand: Government Communications Security Bureau (GCSB)

B.4.1. (U) Government Communications Security Bureau (GCSB) New Zealand Naming Policy

(U) New Zealand Naming Policy

B.4.1.1. (C//SI//REL) New Zealand Signals Intelligence Directive 7 (NZSID 7) ensures the collection, processing, retention, and dissemination of foreign signals intelligence comply with the law and do not compromise the legitimate privacy interests of New Zealand entities. It also recognizes long-standing international practice by adopting the equivalent rules of the Collaborating Agencies for the protection of their countries' entities. Those agencies in turn observe the rules of NZSID 7 in respect of New Zealand entities.

NOTE: (U//FOUO) For the purposes of NZSID 7, the expressions "foreign person" and "foreign organisation" do not include U.S., UK, Australian or Canadian persons or organisations.

B.4.1.2. (U//FOUO) When there is any is doubt as to the nationality/status of a person or entity, NSA should contact GCSB (████████@gcsb.govt.nz) to determine how to proceed.

B. 4.2. (U) Definitions

(U) Definitions

B.4.2.1. (U//FOUO) The following definitions are relevant.

B.4.2.2. (U//FOUO) **A New Zealand Person is:**

- (U) a New Zealand citizen (i.e., a person holding or entitled to hold a New Zealand passport, which includes Cook Islanders and Niueans) residing anywhere; or
- (U) a citizen of any other country lawfully residing permanently in New Zealand, which means a person who is, or is deemed to be, the holder of a residence permit under the Immigration Act 2009.

B.4.2.3. (U) However, this does not include a person acting in his or her capacity as an agent of a foreign power.

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(U) Definitions,
cont.

B.4.2.4. (U//FOUO) **A New Zealand Organisation is:**

- (U) a body that is wholly or majority owned, or controlled, by the Government of New Zealand, regardless of where incorporated or registered; or
- (U) a company or body corporate that is incorporated in New Zealand; or
- (U) an unincorporated body of persons of which one or more members are New Zealand persons.

B.4.2.5. (U) However, this does not include a body that is an extension of a foreign government (e.g., the Bank of China) or of a foreign economic interest (e.g., the Itochu Corporation).

B.4.2.6. (U//FOUO) **New Zealand Entity means:**

(U) the Government of New Zealand or a component thereof, a New Zealand organisation, a New Zealand person, or a vessel or aircraft wholly or majority owned or controlled by one of the former regardless of location or place of registration.

B.4.2.7. (U) **New Zealand includes:**

- Ross Dependency
- Tokelau

NOTE: (U//FOUO) The governments of Cook Islands and Nuie may be targeted, but not their citizens since they are entitled to hold New Zealand passports.

B.4.2.8. (U) **Agent of a Foreign Power** means a New Zealand person acting in his or her capacity as an agent or a representative of a foreign entity.

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B.4.3. (U) Dissemination

**(U) Dissem-
ination**

B.4.3.1. (U//FOUO) Disseminated SIGINT must focus on the foreign intelligence. Except as provided by paragraph C.4.3.4. below, foreign intelligence information concerning New Zealand or Collaborating Country entities is to be worded in a manner that neither names, nor specifically identifies them. Generic terms should be substituted (e.g., “a New Zealand citizen,” “a New Zealand company,” “a New Zealand container ship”).

**(U) New
Zealand
Government
Officials**

B.4.3.2. (U//FOUO) New Zealand Government officials, acting in their official capacity, may be identified as specified below, but only if such identification is necessary to understand the foreign intelligence or assess its significance:

- (U//FOUO) government ministers, departmental chief executives, and other senior officials may be identified by the titles of their office (e.g., “the New Zealand Prime Minister,” “New Zealand’s Minister of Defence,” “the New Zealand Secretary of Foreign Affairs and Trade,” “New Zealand’s Chief of Defence Force,” or “the New Zealand High Commissioner in Ottawa”);
- (U//FOUO) other government officials may be identified generically and in association with their department (e.g., “a New Zealand Customs inspector,” “a New Zealand Navy officer,” or “a New Zealand Foreign Affairs and Trade official”);
- (U//FOUO) “members” or “a member of the New Zealand Parliament” may be identified as such, but without specification of political party affiliation, committee membership, or other parliamentary roles; and
- (U//FOUO) “local body officials” or “an official” may be identified as such and in association with the relevant locality (e.g., “a local body official in Auckland”). Titles such as Mayor or Councilors should not be used.

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(U) New Zealand Government Officials, cont.

B.4.3.3. (U) The following table contains associated terms to use.

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Type of Identity	Generic Term
Government ministers, departmental chief executives, and other senior officials	By the titles of their office
Local body officials	“a local body official in (include locality)”
A private New Zealand individual	“a New Zealand citizen”
A New Zealand company	“a New Zealand company”

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B.4.3.4. (U) Contact: Please email [REDACTED]@gcsb.govt.nz for any guidance you may need.

(U) Agent of a Foreign Power

B.4.3.5. (U//FOUO) A New Zealander may be a target for collection and/or reporting by GCSB strictly in his/her foreign person capacity, but only with the express prior approval of the Director GCSB, on the basis of legal advice. In accordance with Section 14 of the GCSB Act 2003, the personal communications of an agent of a foreign power, made in his/her capacity as a private citizen, are non-foreign communications and are not to be intercepted.

- (U//FOUO) a New Zealander serving as an official of a foreign power or an international organisation may be identified by title (under an Agent of a Foreign Power authorization) if use of the title is necessary to understand the foreign intelligence.

(U) New Zealand Defence Force Assets

B.4.3.6. (U//FOUO) New Zealand Defence Force assets may be specifically identified in SIGINT reporting, if such identification is necessary:

- for situational awareness and deconfliction purposes; or
- to understand foreign intelligence or assess its significance.

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(U) Permitted Identification

B.4.3.7. (U//FOUO) Disseminated SIGINT may specifically identify New Zealand or Collaborating Country entities with the express prior approval of the Director GCSB, and the relevant Collaborating Agency as appropriate, if such identification either:

- a) (U//FOUO) is needed to report:
 - the jeopardy of a person's life or physical safety;
 - the planning, commission or aiding and abetting of acts of terrorism, espionage, sabotage or subversion;
 - prejudice to the economic well-being or international well-being of New Zealand;
 - active interference by a foreign entity in New Zealand's domestic or international affairs;
 - the unauthorized disclosure of official information affecting the national security of New Zealand or a Collaborating Country; or
 - the commission or intended commission of a criminal offense; or
- b) (U//FOUO) is limited to information in relation to which the New Zealand entity concerned has no reasonable expectation of privacy. Such information is not to be further commented or elaborated on, either expressly or by implication. Such information includes but is not limited to:
 - the title of a published work and the name of the author;
 - the name of a business when the business is not itself the subject of a report; and
 - the name of a newspaper as the source of a quote.

(U) Email Addresses

B.4.3.8. (C//SI//REL) An email address associated with a New Zealand server (i.e., abcd@efgh.co.nz) is presumed to be that of a New Zealand organisation or person unless clear evidence exists that the party using the ".nz" address is in fact foreign. Email addresses on New Zealand servers used by foreigners may be identified. Location is irrelevant; the nationality of the party not his/her location is the determining factor.
