



07.10.2016

Submission to Foreign Affairs, Defence and Trade select committee on the New Zealand Intelligence and Security Bill.

Introduction

1. The Wellington Community Justice Project (WCJP) ([www.wellingtoncjp.org](http://www.wellingtoncjp.org)) is a student-led organisation at Victoria University of Wellington. The project, formed in 2010, has twin aims: to improve access to justice and legal services in the community; and to provide law students with an opportunity to gain practical experience. It pursues these goals by establishing community-based volunteer projects and working with other organisations that have similar goals.

2. The research for this submission was carried out by students Charlie Harvey (LLB/BCom) and Sarah Martin (LLB/BA) as part of volunteer work for the project.

3. The WCJP overall supports the implementation of this Bill. The consolidation of the 4 governing acts, the increased scrutiny for the issuing of warrants and the increased application of the Privacy Act 1993 principles are welcomed amendments. This submission will focus on the collection and use of private information by the Government Communication Security Bureau (GCSB) and the New Zealand Security Intelligence Service (NZSIS) as well as exploring the Bill from a youth perspective. It must also be noted that this submission is largely an opinion piece and does not involve the legal nuances of the Bill.

WCJP Submission: New Zealand Intelligence and Security Bill

### *I Use of Information*

As a student body, the WCJP is acutely aware of the extensive use of online platforms by younger generations. Social interactions, business transactions and stored private information are all facilitated by online services and run the risk of being intercepted by surveillance. The WCJP would like to see a greater consideration of the handling and storage of private and personal information by these government agencies. The primary concern is that information of online use, that would otherwise not be present, being accessible through its storage by the GCSB or NZSIS.

We suggest that provisions that implement a time limit of how long information can be held by these agencies be considered by the committee. Information that provides no use to the protection of national interests should not be held when the risk of release either intentionally or accidentally could cause great distress to citizens. If information has been held for a set period and has not provided any use to an on-going investigation it should be destroyed.

As students, we are well-aware of the unprecedented position that we are in. We believe that it is a common misperception that youth of today are blasé about online privacy. We also believe it is unrealistic to expect youth to refrain from using online platforms to communicate private matters. The reality of the situation today as we see it is that while it is commonplace for communications to be posted privately or semi-publically online, this not does mean that youth are comfortable with these communications and information being readily accessible to whomever.

## *II Public Perception*

The purpose of the Bill is to protect New Zealand as a free, open and democratic society and it is also expressly stated that is to be in compliance with New Zealand's human rights. This is an honourable intention, but after a read over the Bill, it has left the impression that it has not crystalized into reality. While all these technicalities have been ironed out and these guiding principles set down, the Bill leaves citizens without any ideas about the day-to-day implications on New Zealand citizens. This gap in the Bill contributes to an atmosphere of distrust in New Zealand.

We recognize that this Bill is targeted at the inner workings and technicalities of our intelligence agencies. We also recognize that there is an inherent element of secrecy in security and intelligence. Our concern however is that while this Bill is aimed at making the law in this area more accessible and transparent, it still does not provide any understanding for New Zealand citizens about how this information is handled. We view this as contributing to an atmosphere of distrust around the collection of private information by the state. This issue is of particular concern to younger generations of New Zealanders, who are aware of the overwhelming amount of personal information they convey via online platforms.

We would like to thank the Select Committee for considering our submission and look forward to seeing the outcomes of this consultation.