

Arrangements with foreign partners



DEPARTMENT of the
PRIME MINISTER and CABINET
Te Tari o Te Pirimia me Te Komiti Matua

The sharing of information, technology and expertise with other countries

The Intelligence and Security Act 2017

FACT SHEET NO. 14

What the Act does

- Makes it clear that sharing information with other countries must be in accordance with New Zealand law and human rights obligations and in accordance with the overall purpose of the Act – ‘to secure New Zealand as a free, open and democratic society’.
- Makes it clear that an intelligence and security agency cannot (without a warrant) request a foreign partner to carry out any activities that would be unlawful if carried out by the intelligence and security agency.
- Ensures greater coordination and oversight of the New Zealand Security Intelligence Service (NZSIS) and the Government Communications Security Bureau (GCSB) international intelligence sharing and cooperation arrangements.

Why have international partners?

The global nature of modern security threats means that countries must work together to share and act on intelligence to keep their populations safe.

International partners help New Zealand by providing information, knowledge, technology, skills and expertise. This includes providing a far greater understanding of international events that relate to our security and wellbeing than we could acquire alone.

Who are New Zealand’s intelligence partners?

New Zealand’s strongest and most well-known intelligence relationship is the “Five Eyes” partnership, with the United Kingdom, Australia, the United States and Canada. The alliance goes back to the 1940s and extends to areas such as border security and defence.

New Zealand also shares intelligence with a range of other countries and international organisations on both a formal and ad-hoc basis. The level of cooperation with other countries differs depending on common interests.

Arrangements consistent with New Zealand law

- The Directors-General of NZSIS and GCSB must take all reasonable steps to ensure that cooperation with foreign partners is in accordance with New Zealand law and all human rights obligations recognised under New Zealand law.
- Before authorising the sharing of intelligence with a foreign partner, the Minister must be satisfied that the relevant agency will be acting in accordance with New Zealand law and all human rights obligations recognised under New Zealand law.

Improving coordination and oversight

The Act also provides for greater coordination and oversight of NZSIS and GCSB’s international intelligence sharing and cooperation arrangements.

The Minister must issue a Ministerial Policy Statement to provide guidance to the NZSIS and GCSB in relation to:

- cooperating with a foreign partner;
- providing advice and assistance to a foreign partner; and
- sharing intelligence with a foreign partner.

The Act requires the Inspector-General of Intelligence and Security be consulted on all Ministerial Policy Statements, including those relating to foreign partners.

Outside of the Act, Cabinet has agreed that any new intelligence relationships require consultation with the Ministry of Foreign Affairs and Trade. Cabinet has also decided that Parliament’s Intelligence and Security Committee be briefed on any new intelligence relationships for its information.