

Cover and assumed identity arrangements



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

Ensuring identities are kept secret

The New Zealand Intelligence and Security Bill 2016

FACTSHEET NO. 11

What the Bill proposes

- Consolidating existing measures enabling the New Zealand Security and Intelligence Service (NZSIS) and the Government Communications Security Bureau (GCSB) to acquire, use and maintain 'assumed identities'.
- Explicitly permitting other entities to issue alias documents to NZSIS and GCSB to support an assumed identity, and permitting NZSIS and GCSB to create some forms of supporting documentation (such as fake business cards).
- Explicitly permitting employees of NZSIS and GCSB to make misleading or false statements about their employment in order to do their job and keep themselves safe.
- Clarifying immunity from civil and criminal liability for those assisting in, and using, assumed identities, conditional on their acting in good faith, with care, and in accordance with the law.

What is cover?

The ability of NZSIS and GCSB employees to acquire, use and maintain any identity information necessary to maintain the covert nature of their work. Cover also keeps the identity of their employer confidential.

Why is secrecy necessary?

Intelligence investigations generally focus on detecting the intentions and activities of those who would harm New Zealand's interests, for example through espionage, violent extremism, transnational crime and sabotage.

One important type of intelligence collection is human intelligence which involves NZSIS intelligence officers speaking confidentially to members of the public who may be able to provide confidential information or facilitate access to certain people or places. Keeping the identity of employees secret is vital to keep these people safe.

Employees could also become targets for those who wish to access classified information if their involvement with NZSIS or GCSB becomes known.

How cover works

Acting under real identity

The Bill explicitly allows employees to make misleading and false statements about where they work, but only for the purpose of maintaining secrecy about a person's involvement with NZSIS and GCSB.

Acting under an alias

The Bill explicitly allows employees and people assisting them to acquire, use and maintain 'assumed identity information' (to support an alias), but only for the purpose of maintaining secrecy about NZSIS and GCSB's activities and capabilities.

Alias documents

The Bill explicitly provides for both NZSIS and GCSB to ask other entities to create identity documents when necessary. These could include:

- Citizenship certificates
- New Zealand Passports
- IRD numbers
- Certificates of incorporation
- Drivers licences

The Bill also allows NZSIS and GCSB to create some documentation to support an assumed identity (such as a business card or utility bill).

Under the Bill, use of aliases and providing misleading or false statements about where a person works must be consistent with the conditions of any relevant Ministerial Policy Statements.