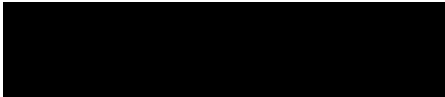




20 March 2023



Tēnā koe 

Official Information Act Request

We refer to your email of 9 February 2023 in which you make a request for information under the Official Information Act 1982 (OIA) to the Ministry of Justice, transferred to both the Government Communications Security Bureau (GCSB) and the New Zealand Security Intelligence Service (NZSIS) on 20 February 2023. Your request was transferred as the GCSB and NZSIS have a regulatory role under New Zealand's Outer Space and High-altitude Activities Act 2017, and your request was therefore more closely connected to our regulatory functions. As the areas of our agencies relevant to this regulatory role are generally a shared function between the GCSB and NZSIS, the agencies have prepared a joint response to your request.

You requested the following information:

"...whether the New Zealand Government has any knowledge of our air space being violated by any foreign owned surveillance balloons. The balloon's i'm referring would be similar to the one that was shot down after travelling the continental United States of America.

The main things i would like to know are:

- 1. Have we had any violation of our airspace by foreign owned balloons in the last 10-20 years*
- 2. If we have, what was the New Zealand Governments response?*
- 3. And, how many flights have there been?..."*

Response

The GCSB and NZSIS aim to be as open as possible about our work. Due to the sensitive nature of what we do, however, revealing details about information we do or do not hold can have security implications. We are sometimes in a position where we can neither confirm nor deny the existence or non-existence of information. We therefore make decisions on requests such as yours on a case-by-case basis, taking into account all relevant security considerations.

Our response to your request is that we can neither confirm nor deny the existence or non-existence of any information relevant to your request. This reply is given within the terms of section 10 of the OIA, as disclosing the existence or non-existence of the information requested is likely to prejudice the interests protected by section 6(a) of the OIA, namely the security or defence of New Zealand.

Review

If you wish to discuss this decision with us, please feel free to contact information@gcsb.govt.nz or oia.privacy@nzsis.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that the GCSB and NZSIS proactively publish OIA responses in accordance with the expectations of Te Kawa Mataaho/the Public Service Commission. We intend to publish this letter (with your personal information removed) on our websites. Publication of such responses is done on a quarterly basis.

Ngā mihi



Andrew Hampton

Te Tumu Whakarae mō Te Tira Tiaki
Director-General, GCSB



Phil McKee

Te Tumu Whakarae Rangitahi mō Te Pā
Whakamarumarū
Acting Director-General of Security