

Summary: Policy on Sensitive Category Individuals and Privileged Information

Summary prepared under section 16(1)(e) of the Official Information Act to protect interests under section 6(a).

Purpose and Scope

For NZSIS, some individuals are Sensitive Category Individuals (SCIs) because they, their role, or their connection to privileged information require special consideration. Some information – whether or not a SCI is involved – is privileged, restricting its collection. This policy sets out who is a SCI; what information is privileged; and what staff are required to do in respect of both. The policy applies to all NZSIS activity in fulfilment of a statutory function under the ISA.

Sensitive Category Individuals

The policy contains guidance on how to assess whether a person is a SCI. Some categories of individuals are considered sensitive due to their particular vulnerability requiring special consideration and protection (for example, children, refugees and asylum seekers, and people vulnerable by reason of illness or other incapacity), others due to their likely connection to privileged information (for example, lawyers and medical practitioners), and others due to their role (judiciary, Members of Parliament, and journalists).

NZSIS staff must remain alert to circumstances affecting SCI status and seek advice from managers, Legal and Compliance where required.

The policy sets out guidance and requirements for documentation, including the basis for assessing a person as a SCI, assessment of the necessity and proportionality of proposed activity in relation to a SCI, and other requirements specific to each SCI category. Minimum approval levels, and when approval is required, for activity involving SCIs are also outlined.

Privileged Communications and Information

NZSIS cannot undertake activity for the purpose of obtaining New Zealanders' communications or information that are intended to be confidential and protected by legal, medical or religious privilege.¹ The policy defines these privileges and sets out actions required by NZSIS in relation to privilege, whether or not a SCI is involved, are set out in the policy. Advice must be sought from Legal or Compliance where required.

Roles and Responsibilities

All NZSIS staff must understand their obligations regarding SCIs and privileged information, and comply with the policy.

¹ See s 70, ISA.