## Government Communications Security Bureau

The **Government Communications Security Bureau** (**GCSB**) (Māori: *Te Tira Tiaki*, formerly *Te Tari Whaka-mau Irirangi*) is the public service department of New Zealand charged with promoting New Zealand's national security by collecting and analysing information of an intelligence nature.

According to the Bureau's official website, its mission is to contribute to the national security of New Zealand by providing: information assurance and cyber security, foreign intelligence, and assistance to other New Zealand government agencies.<sup>[1]</sup>

## 1 History

The Government Communications Security Bureau was created in 1977 on the instructions of Rob Muldoon, the Prime Minister.



Waihopai Valley base

Prior to this, the functions now handled by the GCSB were split between three organisations:

- Communications security was the responsibility of the Communications Security Committee, based around the Prime Minister's office and the Ministry of Foreign Affairs.
- Signals intelligence was the responsibility of the Combined Signals Organisation, run by the military.
- Anti-bugging measures were the responsibility of the Security Intelligence Service.

Upon its establishment, the GCSB assumed responsibility for these three roles. Officially, the new organisation was part of the Ministry of Defence, and its functions and activities were highly secret – even Cabinet was not informed. In the 1980s, however, information was gradually released, first about the GCSB's security role, and then about its signals intelligence operations.

Also in the 1980s, the GCSB was split away from the Ministry of Defence, becoming a separate organisation. It was not until 2000, however, that it was decided to make the GCSB a government department in its own right. This decision was implemented through the Government Communications Security Bureau Act 2003.<sup>[2]</sup>

In 2001, the Centre for Critical Infrastructure Protection was formed within the GCSB with a mandate to assist in the protection of national critical infrastructure from information borne threats. The National Cyber Security Centre was established within the GCSB in September 2011, and it absorbed the functions of the Centre for Critical Infrastructure Protection.<sup>[3]</sup>

## 2 Staff and budget

The GCSB is considered to be a government department in its own right with its head office in Pipitea St, Wellington. Through its director, the GCSB reports to the minister holding the Intelligence portfolio, who, by convention, is always the Prime Minister. Its main functions are: the collection and processing of intelligence, the distribution of intelligence, IT security, technology and administration. It has about 300 staff with a range of disciplines including foreign language experts, communications and cryptography specialists, engineers, technicians and support staff.<sup>[4]</sup>

In 2015/16 the budget for the GCSB is \$89.6 million.<sup>[5]</sup> Former Green MP Keith Locke says that despite the attention the GCSB received as a result of its illegal surveillance of Kim Dotcom, there has been little public discussion about its value. Locke questions GCSB's suitability for the task of protecting government computers given its security failures.<sup>[6]</sup> Cabinet Secretary Rebecca Kitteridge's report noted the Bureau's problems included "under-resourcing and a lack of legal staff".

## **3** Oversight

An Inspector General has oversight of the GCSB (and other intelligence organisations). In 2013, that role was being filled by former judge, 79-year-old Paul Neazor. He has a part-time secretary as his one and only staff member - compared with the Australian inspector general who has a staff of 12. In her review of the GCSB released in 2013, Rebecca Kitteridge recommended the inspector general's office should be "beefed up along Australian lines".<sup>[7]</sup>

The Prime Minister appoints both the director of the GCSB and the Inspector General. Associate Professor of law at Auckland University, Bill Hodge, says the watchdog should be appointed by Parliament rather than by the Prime Minister. Former prime minister, Sir Geoffrey Palmer agrees: "There needs to be some separation between the inspector and the agency he oversees."<sup>[7]</sup>

## 4 **Operations**

The functions of the GCSB include signals intelligence, communications security, anti-bugging measures, and computer security. The GCSB does not publicly disclose the nature of the communications which it intercepts. It is frequently described by some authors, such as Nicky Hager, as part of ECHELON. In 2006, after the death of former Prime Minister David Lange, a 1985-86 report given to Lange was found among his papers, having been mistakenly released. The report listed a number of countries as targets of GCSB efforts, including Japan, the Philippines, Argentina, France, Vietnam, and many small Pacific island states. It also mentioned United Nations diplomatic traffic. In his book on the GCSB, Nicky Hager says that during the Cold War, the locations and activities of Soviet ships (including civilian craft such as fishing trawlers) were a major focus of the organisation's activities.[8]

For the purposes of its signals intelligence activities, the GCSB maintains two "listening stations": a satellite communications interception station at GCSB Waihopai near Blenheim and a radio communications interception station at GCSB Tangimoana near Palmerston North.<sup>[9]</sup> On 16 March 2015, the former National Security Agency contractor and whistleblower Edward Snowden dislosed that New Zealand's GCSB agency had a secret listening post, codenamed "Caprica", at the New Zealand High Commission in Honiara, the capital of the Solomon Islands. The "Caprica" outpost was reportedly modeled after the American National Security Agency's Stateroom outposts at selected United States Embassies across the world.<sup>[10]</sup>

#### 5 Waihopai station



The Waihopai facility

The Waihopai Station has been operating since 1989. It is described as a satellite communications monitoring facility in the Waihopai Valley, near Blenheim.<sup>[11][12]</sup> The facility has been identified by MP Keith Locke<sup>[13]</sup> as part of ECHELON. Few details of the facility are known, but it is believed that it intercepts and processes all phone calls, faxes, e-mail and computer data communications. The site is a regular target for protesters and activists who are attempting to have the base closed down. The Anti-Bases Campaign have had regular yearly protests at the base.

## 6 Tangimoana station

The Tangimoana Station was opened in 1982, replacing an earlier facility at Irirangi, near Waiouru. According to the Federation of American Scientists (FAS), the facility is part of ECHELON; its role in this capacity was first identified publicly by peace researcher Owen Wilkes in 1984,<sup>[14]</sup> and investigated in detail by peace activist and independent journalist Nicky Hager.<sup>[15]</sup>

## 7 Recent controversies

#### 7.1 Appointment of Ian Fletcher

Ian Fletcher was appointed as director of the GCSB in February 2012.<sup>[16]</sup> Mr Fletcher is a former diplomat. Fletcher was interviewed by the appointment panel after an earlier short-list of four candidates had been rejected by the Prime Minister on the recommendation of the State Services Commissioner. In March 2013, Mr Key admitted he had known Mr Fletcher since they were in school, but denied they were friends.<sup>[17]</sup>

Answering questions in parliament about Mr Fletcher's appointment, Key said he hadn't "seen the guy in a long time"<sup>[18]</sup> and hadn't mentioned he had made a phone call to Mr Fletcher when the question first came up in par-

liament because he had "forgotten" about it.<sup>[19]</sup> Former GCSB director Sir Bruce Ferguson said the way Key had intervened in the selection process was "disturbing".<sup>[20]</sup> The Labour Party called for an inquiry into the matter.<sup>[21]</sup>

#### 7.2 Illegal spying

Shortly before Fletcher was appointed, the GCSB was found to have illegally spied on Kim Dotcom, a German national but New Zealand resident.<sup>[22]</sup> By law the agency cannot spy on New Zealand residents. The GCSB admitted that Hugh Wolfensohn, acting director at the time, knew the organisation was spying on Dotcom. It is believed Mr Wolfensohn was placed on "gardening leave" after it became clear the GCSB had made a mistake in spying on Dotcom.<sup>[23]</sup> In December, the High Court ruled Kim Dotcom could sue the GCSB for damages.<sup>[24]</sup> The attorney-general appealed the ruling, but was unsuccessful.<sup>[25][26]</sup> In March 2013, the NZ Herald reported that Wolfensohn "no longer works for the GCSB intelligence agency as it braces for fresh exposure of its failings".<sup>[27]</sup>

#### 7.3 Kitteridge report

As a result of the Dotcom saga, a review into the bureau's compliance with legislation and its internal systems and processes was conducted by Cabinet Secretary Rebecca Kitteridge. In April 2013, Kitteridge's report was leaked to the media. It contradicted GCSB head Ian Fletcher's comments that the bureau had not unlawfully spied on anyone other than Dotcom showing that the GCSB may have unlawfully spied on up to 85 people between April 2003 and September 2012.<sup>[28]</sup>

Fairfax reported "The review noted a series of failings had led to the illegal spying, including under-resourcing and a lack of legal staff." It found "the GCSB structure was overly complex and top heavy, while staff who performed poorly were tolerated, rather than dismissed or disciplined, so they would not pose a security risk upon leaving the bureau." <sup>[28]</sup> The Green Party asked police to investigate the illegal spying.<sup>[29]</sup>

Kitteridge also said she had trouble accessing a number of "basic files". Prime Minister John Key said there was no "cover-up", and the files were probably either misfiled or never existed in the first place.<sup>[30]</sup>

#### 7.4 GCSB Amendment Bill

On 8 May 2013, the National Prime Minister John Key introduced the Government Communications Security Bureau and Related Legislation Amendment Bill, which would extend the powers of the GCSB to enable it to collect information from all New Zealanders for the use of other government departments including the New Zealand Police, Defence Force and the Security Intelligence Service.<sup>[31]</sup> Under the bill, the GCSB will have three main functions. Firstly, it will continue to collect foreign intelligence but it will not be allowed to spy on New Zealanders. Secondly, it will give the GCSB a legal mandate to assist the police, Defence Force and the Security Intelligence Service. Thirdly, it will extend the GCSB's cyber-security functions to encompass protecting private-sector cyber systems.<sup>[32]</sup>

While this Bill was supported by the ruling National Party and its coalition partners ACT New Zealand and the United Future MP Peter Dunne, it was opposed by the opposition Labour and the Green parties, several left-wing groups, and the internet millionaire Kim Dotcom, the NZ Law Society, and the Human Rights Tribunal. On 27 July, opponents of the GCSB Amendment Bill staged nationwide protests in eleven major towns and cities, thousands attended.<sup>[33][34][35]</sup> Critics of the GCSB Amendment Bill claimed that the Bill would turn New Zealand into a police state like the former German Democratic Republic and made references to George Orwell's novel 1984 and the ongoing Edward Snowden NSA Leaks scandal. In response, Prime Minister Key acknowledged that the protests were part of a "healthy democracy" with people being "allowed" to make their voices heard for the moment.[35][36]

On 14 August 2013 the Prime Minister of New Zealand John Key addressed what he identified as "misinformation" surrounding the GCSB Amendment Bill, claiming that the actions of the Government Communications Security Bureau were analogous to Norton AntiVirus.<sup>[37]</sup> On 21 August, the House of Representatives voted to pass the GCSB Amendment Bill by 61 to 59. The bill passed its third reading despite protests from the opposition parties, human rights groups, legal advocates, and technology groups. John Key defended the GCSB Amendment Bill by arguing that it did not authorize "wholesale spying" on New Zealanders and that its opponents were misinformed.<sup>[32][38]</sup>

#### 7.5 Southern Cross Cable mass surveillance

See also: Southern Cross Cable § Spying and interception

In 2013 the *New Zealand Herald* reported that the owners of the Southern Cross Cable, New Zealand's majority (~95%) international internet access point, had asked the United States National Security Agency (NSA) to pay them for mass surveillance of New Zealand internet activity through the cable.<sup>[39]</sup> In May 2014, John Minto, vicepresident of the New Zealand Mana Party, alleged that the NSA was carrying out mass surveillance on all metadata and content that went out of New Zealand through the cable.<sup>[39]</sup>

In August 2014, New Zealand Green Party co-leader

Russel Norman stated that an interception point was being established on the Southern Cross Cable.<sup>[40]</sup> Norman said that as the cable is the only point of telecommunications access from New Zealand, this would allow the Government to spy on all phone calls and internet traffic from New Zealand.<sup>[40]</sup> Norman's claims followed the revelation that an engineer from the NSA had visited New Zealand earlier in the year to discuss how to intercept traffic on the Southern Cross cable.<sup>[40]</sup> The office of National Party New Zealand Prime Minister John Key denied the claims, but admitted that they were negotiating a "cable access programme" with the NSA, while refusing to clarify what that was or why the NSA was involved.<sup>[40]</sup>

# 7.6 2015 Edward Snowden surveillance disclosures

On 5 March 2015, The Intercept website and The New Zealand Herald newspaper disclosed that the Government Communications Bureau had been spying on New Zealand's South Pacific neighbors including Tuvalu, Nauru, Kiribati, Samoa, Vanuatu, the Solomon Islands, Fiji, Tonga, and the French overseas departments of New Caledonia and French Polynesia. The Intercept provided documents supplied by the US whistleblower Edward Snowden, who had earlier released leaked documents relating to the surveillance activities of other Five Eyes partners including the United States, Australia, and the United Kingdom. The Snowden documents show that information collected by the GCSB is sent to the American National Security Agency to plug holes in the global intelligence network. Most of the surveillance was carried out from the GCSB's Waihopai Station in the South Island. Under the premiership of Prime Minister John Key, the GCSB had expanded its intelligence-gathering activities in support of the Five Eyes.<sup>[41][42]</sup>

According to investigative journalist and peace activist Nicky Hager, the GCSB had gone from a selective targeting of South Pacific targets to collected a wide breadth of emails messages and telephone calls. He added that the spy agency had upgraded its Waihopai spy base in 2009 to collect both the content and meta-data of all communications, rather than specific individuals and agencies. According to leaked documents supplied by Snowden, the GCSB collected a wide trove of electronic information including emails, mobile and fixed line phone calls, and social media messages from various South Pacific countries. In addition, Snowden alleged that a GCSB officer had also worked with the Australian Signals Directorate to spy on the Indonesian cellphone company Telkomsel.<sup>[43]</sup>

The GCSB's mass surveillance program was criticized by opposition parties including the Green Party co-leader Russell Norman and the Labour Party leader Andrew Little, who told the press that New Zealand risked damaging its relationship with the South Pacific and that the GCSB's actions amounted to an invasion of people's privacy. In 2014, New Zealand had secured a seat on the United Nations Security Council with the support of the entire Pacific region on the platform that "New Zealand stands up for small states."<sup>[44]</sup> The Green Party also laid a complaint with the Inspector-General of Intelligence and Security, alleging that the GSCB had broken the law by spying on New Zealanders who were holidaying in the South Pacific. In response, Brian Fergurson, a former director of the GCSB, acknowledged that the spy agency did collect emails and other electronic communications but that it did not use material about New Zealanders captured inadvertently.<sup>[45]</sup>

The Tongan Prime Minister 'Akilisi Pohiva has denounced New Zealand's espionage activities as a "breach of trust." He also expressed concerns about similar surveillance activities carried out by China. The Samoan Prime Minister Tuilaepa Sa'ilele has by contrast dismissed allegations of New Zealand espionage against Samoa, commenting that "it would be far fetched to think that a spy agency in any country would waste their resources doing that kind of thing to Samoa." In response to these disclosures, Prime Minister John Key issued a statement on 5 March 2015 saying that he would "neither confirm nor deny" whether New Zealand's spy agencies were spying on the South Pacific. Key had earlier acknowledged that New Zealand was a member of the Five Eyes club, which included the United States, Britain, Canada, Australia, and New Zealand, during a speech calling for New Zealand to deploy troops to Iraq to combat the Islamic State of Iraq and the Levant.<sup>[46]</sup>

On 11 March 2015, Edward Snowden disclosed that the Government Communications Security Bureau was also using the Waihopai Station to intercept transmissions from several Pacific Rim and Asian countries including Vietnam, China, India, Pakistan, and several unspecified South American nations. He added that the GCSB was helping the National Security Agency to fill gaps in its world surveillance data collection.<sup>[47]</sup> In response to Snowden's disclosures, Una Jagose, the Acting-Director of the GCSB issued a statement that the spy agency was collecting less information that it was seven years ago during a session of the New Zealand Parliament's Intelligence and Security Committee.<sup>[48]</sup> According to the GCSB's latest annual report, the volume of phone and electronic surveillance carried out on New Zealanders surged throughout 2014.<sup>[49]</sup> On 13 March 2015, the Fijian military commander Brigadier-General Mosese Tikoitoga confirmed that the Fijian Military Forces were aware of the GCSB's intelligence-gathering activities in Fiji.<sup>[50]</sup>

On 15 March 2015, the journalists Nicky Hager and Ryan Gallagher reported in the *New Zealand Herald* that the GCSB was using the NSA's internet mass surveillance system XKeyscore to intercept email communications from several leading Solomon Islands government ministers, the Solomons Islands Truth and Reconciliation Commission, and the Solomons anti-corruption campaigner Benjamin Afuga.<sup>[51]</sup> In response the New Zealand Minister of Foreign Affairs Murray McCully downplayed reports of the spying disclosures by asserting that Pacific Islands ministers "were smart enough not to believe what they read in New Zealand newspapers." He also offered to discuss their concerns about the mass surveillance program in private. The Solomons Chief of Staff, Robert Iroga, has condemned the New Zealand Government's actions for damaging New Zealand's image as a "friendly government" in the South Pacific. He added that communications within the inner circle of the Solomons Government was "highly secret information" that rightfully belong to the Solomon Islanders.<sup>[52]</sup>

On 16 March 2015, Snowden released more documents which revealed that the GCSB had a secret listening post, codenamed "Caprica", at the New Zealand High Commission in the Solomon Islands capital of Honiara. The "Caprica" outpost was reportedly modeled after the NSA's Stateroom outposts at selected United States Embassies across the world.<sup>[10]</sup> On 22 March 2015, The Intercept released a new document which showed that the GSCB had monitored the email and internet communications of several foreign diplomats vying for the position of Director-General of the World Trade Organization. This surveillance was carried out on behalf of the New Zealand Trade Minister Tim Groser, who was also competing for that position. Known targets included candidates from Brazil, Costa Rica, Ghana, Jordan, Indonesia, Kenya, Mexico, and South Korea. Ultimately, Groser's candidature was unsuccessful and the Brazilian diplomat Roberto Azevêdo was elected as the Director General of the WTO on May 2013.<sup>[53]</sup> In response to these disclosures, Sergio Danese, the Secretary-General of the Brazilian Ministry of External Relations summoned the New Zealand Ambassador Caroline Bilkey to explain the actions of her government.<sup>[54]</sup>

On 26 March 2015, the Inspector-General of Intelligence and Security Cheryl Gywn announced that she would lead an inquiry into the allegations that the GCSB had spied on New Zealanders working in the Pacific. Prime Minister John Key has welcomed this inquiry.<sup>[55]</sup> On 16 April 2015, The Intercept and New Zealand Herald disclosed that the GCSB had been both spying on and sharing intelligence with the Bangladesh government, using a leaked National Security Agency document entitled "NSA Intelligence Relationship with New Zealand." The Bangladeshi security forces have been implicated in various human rights abuses including extrajudicial killings and torture.<sup>[56]</sup> The New Zealand Government has refused to respond to these disclosures but opposition parties have criticized the GCSB for cooperating with Bangladeshi security forces.<sup>[57]</sup>

On 19 April 2015, The Intercept and the *New Zealand Herald* revealed that the GCSB and the National Security Agency had worked together to tap into a data link between the Chinese Consulate-General and the Chinese Visa Office in Auckland, New Zealand's largest city. According to a leaked secret report entitled "NSA activities in progress 2013", the GCSB was providing additional technical data on the data link to the NSA's "Tailored Accessed Operations", a powerful system that hacks into computer systems and networks to intercept communications.<sup>[58]</sup> Other leaked documents also indicated that the GCSB codenamed their Auckland tapping operation "Frostbite" while their American counterparts called it "Basilhayden", after a Kentucky bourbon that was once regarded as the fictional spy James Bond's favourite alcoholic beverage. In response, a Chinese Embassy spokesman told the *New Zealand Herald* that China was concerned about the report and attached great importance to the cybersecurity issue.<sup>[59]</sup>

On 5 May 2015, the Department of the Prime Minister and Cabinet acknowledged that Snowden's leaked documents on the GCSB and NSA were authentic but accused Snowden's associates, particularly the journalist Glenn Greenwald, of "misrepresenting, misinterpreting, and misunderstanding" the leaked information.<sup>[60]</sup>

## 8 Directors

The GCSB is administered by a Director. The directors have been:

- Colin Hanson (1977–1988)
- Ray Parker (1988–1999)
- Dr Warren Tucker (1999–2006)
- Air Marshal Sir Bruce Ferguson (2006–2010)
- Simon Murdoch (acting November 2010 February 2011)<sup>[61]</sup>
- Lieutenant General Sir Jerry Mateparae (7 February - 30 June 2011)
- Simon Murdoch (acting 1 July 19 December 2011)
- Ian Fletcher (29 January 2012 27 February 2015)<sup>[62][63]</sup>
- Una Jagose (28 February 2015 term extended to 31 March 2016)<sup>[64][65][66]</sup>

Jerry Mateparae was appointed by Prime Minister John Key on 26 August 2010 taking up the role on 7 February 2011. On 8 March 2011 Mateparae was announced as the next Governor-General. He continued as Director until June 2011.

Ian Fletcher (who had been appointed for five years) unexpectedly announced his resignation for family reasons in January 2015, with an acting director to take over at the end of the month.<sup>[67]</sup> **9** See also

- New Zealand intelligence agencies
- New Zealand Security Intelligence Service
- Anti-Bases Campaign

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## **11** Further reading

• Hager, Nicky (1996). *Secret Power: New Zealand's Role in the International Spy Network*. Nelson, NZ: Craig Potton Publishing. ISBN 0-908802-35-8.

## 12 External links

- Government Communications Security Bureau
- Government Communications Security Bureau Act 2003
- Anti Bases Campaign
- New Zealand and XKEYSCORE: not much evidence for mass surveillance

## 13 Text and image sources, contributors, and licenses

#### 13.1 Text

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