

30 March 2010

Cameron Slater  
[camslater@gmail.com](mailto:camslater@gmail.com)

Dear Mr Slater

**Request for Information under the Official Information Act 1982**

Thank you for your email of 12 March 2010 requesting information on the website filtering system. The Minister of Internal Affairs has transferred your enquiry because the information requested is held by the Department. I will address each of your questions in turn.

- a) *Has the DIA Internet filter begun operation in ISPs anywhere in New Zealand, if so which ISPs have implemented the filter and on what dates?*

The Department connected Watchdog to the filtering system on 1 February, and connected Maxnet on 26 February 2010.

- b) *What is the nature of information collected and when collected how is it reported to the DIA?*

The data collected by the Digital Child Exploitation Filtering System and how that data is treated is explained in the Code of Practice that has been developed to govern the operation of the system. This is available on the department's website - [www.dia.govt.nz](http://www.dia.govt.nz).

- c) *Has the department sought or obtained a legal opinion from any source regarding their right to implement the Internet Filter, if so what was the advice in full, especially noting the implementation as being compatible with the New Zealand Bill of Rights Act 1990?*

The Department is withholding such legal advice that may exist under section 9(2)(h) of the Official Information Act (to maintain legal professional privilege).



- d) *What are the sites contained within the filter that are banned, why were they banned and what process did the department go through to ensure that no other site legally able to be seen was not inadvertently caught by the filter?*

The nature of the websites affected by the filter, and the process undertaken by the Department to ensure that only websites containing child sexual abuse material are on the filter list, is explained in the Code of Practice that has been developed to govern the operation of the system.

- e) *In what way does the department consider that they are exempt from the NZBORA 1990, especially Part 2 section 13, Part 2 section 14, Part 2 section 17, Part 2 section 21?*

Section 3(a) of the New Zealand Bill of Rights Act provides that it applies to acts done by the legislative, executive, or judicial branches of the government of New Zealand. As part of the executive branch of government, the Department of Internal Affairs is not exempt from the Act.

- f) *Any correspondence, including letters, faxes, emails, or other physical or electronic documents, and drafts of same, between DIA and the Attorney-General's Office, the Solicitor-General's Office, Crown Law or any other legal firm/partnership or Barrister Sole or Barrister and Solicitor regarding the implementation and deployment of the internet filter between 1 January 2009 and 1 March 2010.*

Such correspondence that may exist between DIA and the Attorney-General's Office, the Solicitor-General's Office, Crown Law or any other legal firm/partnership or Barrister Sole or Barrister and Solicitor regarding the implementation and deployment of the internet filter is being withheld under section 9(2)(h) of the Official Information Act (to maintain legal professional privilege).

Under section 28(3) of the Official Information Act 1982 you have the right to apply to the Ombudsman for a review or investigation of this decision.

Yours sincerely



Keith Manch  
Deputy Secretary, Regulation and Compliance