

21 February 2024

By email to: [REDACTED]

Dear [REDACTED]

OFFICIAL INFORMATION ACT REQUEST 2024/05

On Monday, 22 January 2024 you made a request under the Official Information Act 1982 (the OIA) for the following information:

1. *What legal advice do you have with respect to preventing election interference in New Zealand and what is the legal basis that you rely on for this administration specifically with the allegations raised in the above video? (["Proof Google Is STEALING Elections!" Says Dr. Robert Epstein \(youtube.com\)](#))*
2. *Are there any proposed law changes with respect to preventing social media searches and/or platforms existing or deplatforming with respect to election interference within New Zealand?*
3. *With respect to the legal case in the Hague brought by South Africa alleging Israeli war crimes, have you received any legal advice with respect to having any ties with the US government given they may be facilitating war crimes? And the NZ Parliament having been silent on this matter with respect to the partnerships through the Five Eyes Spy Network NZ has with the United States of America thereby the social media censorship aspect comes in to play (Link provided below) Do you have any legal opinion with respect to human rights within New Zealand for election purposes. What have they been highlighted to be?*
4. *What concerns have been highlighted with respect to electoral law and elections that may suffer online misinformation? What steps have been taken to deal with these issues and how are things like Google monitored?*
5. *With respect to ([New Zealand state media censors Ukraine truth \(youtube.com\)](#)) it is concerning that the power of social media with respect to what is available to be searched and what is not, and the partnership thereof, so therefore what aspect with respect to the Electoral Act and Social Media along with other media, how do you interpret your legal role with respect to elections that appear to have foreign interference?*

Responses to your questions are set out below.

1. *What legal advice do you have with respect to preventing election interference in New Zealand and what is the legal basis that you rely on for this administration specifically with the allegations raised in the above video?*

The Commission worked with the Ministry of Justice, the Department of Prime Minister and Cabinet, the Government Communications Security Bureau, and the New Zealand Security

Intelligence Service to develop interagency protocols for New Zealand's 2023 General Election. The election protocols set out the respective roles and responsibilities of the Commission and government agencies for the delivery and support of general elections. The protocols ensure the integrity of the electoral system in Aotearoa New Zealand and include protocols on the inter-agency approach to general elections; on managing election disruptions; on communications related to the election process; and for the GCSB and the NZSIS, which sets out guidance in the case of foreign interference or a cyber security threat to an election. The 2023 General Election protocols can be found here: <https://elections.nz/guidance-and-rules/election-protocols/>

2. *Are there any proposed law changes with respect to preventing social media searches and/or platforms existing or deplatforming with respect to election interference within New Zealand?*

No, we are not aware of any current proposed law changes with respect to preventing social media searches and/or platforms existing or deplatforming with respect to election interference within Aotearoa New Zealand.

3. *With respect to the legal case in the Hague brought by South Africa alleging Israeli war crimes, have you received any legal advice with respect to having any ties with the US government given they may be facilitating war crimes? And the NZ Parliament having been silent on this matter with respect to the partnerships through the Five Eyes Spy Network NZ has with the United States of America thereby the social media censorship aspect comes in to play (Link provided below) ([INTERVIEW: Our man in the Hague \(youtube.com\)](#)) Do you have any legal opinion with respect to human rights within New Zealand for election purposes. What have they been highlighted to be?*

No, we have not received any legal advice and or legal opinions on these matters.

4. *What concerns have been highlighted with respect to electoral law and elections that may suffer online misinformation? What steps have been taken to deal with these issues and how are things like Google monitored?*

Please refer to the protocol we referenced in our answer to question 1 on communications. As outlined in this protocol, no single agency, including the Electoral Commission, is responsible for proactive monitoring of online sites such as Google for election misinformation.

5. *With respect to ([New Zealand state media censors Ukraine truth \(youtube.com\)](#)) it is concerning that the power of social media with respect to what is available to be searched and what is not, and the partnership thereof, so therefore what aspect with respect to the Electoral Act and Social Media along with other media, how do you interpret your legal role with respect to elections that appear to have foreign interference?*

Please refer to the answer to question 1 above. The inter-agency protocols describe the roles of each agency with respect to communications and foreign interference and the Electoral Commission's responsibilities for administering the rules in the Electoral Act, regarding election advertising, promoter statements, authorisation requirements, and election expenditure.

In the interests of transparency, we release responses to Official Information Act requests every 3 months. We will publish this response with your personal details redacted.

You have the right under section 28(3) of the Act to make a complaint to the Ombudsman if you are not satisfied with the response to your request. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Yours sincerely



Kristina Temel
Manager, Legal and Policy