

30 September 2009

Thomas Beagle
PO Box 5641
Lambton Quay
WELLINGTON 6145

Dear Mr Beagle

Request for Information under the Official Information Act 1982

Thank you for your letter of 8 September 2009 requesting further information on the Digital Child Exploitation Filtering System. I will address each of your requests in turn.

1. *Please send me copies of any reports or reviews concerning the trial of the filtering system.*

Please find enclosed the *Whitepaper: NZ Website Filtering System 2009*. Much of the content of this paper will be familiar to you as it was used as the basis for the draft Code of Practice. To ensure the security of the Department's system, part of the document that describes the technical specifications of a common tunnel and BGP design, has been withheld in terms of section 9(2)(k) of the Official Information Act (to prevent disclosure or use of official information for improper gain or improper advantage).

2. *Please send me copies of any statistics captured during the trial to do with the operation of the filter. This would include the number of requests intercepted, number of requests passed through, breakdowns of the volume of the type of traffic, statistics on performance, etc.*

The *Whitepaper* contains a summary of the statistics captured during the different phases of the trial.

3. *Is there any legal or contractual obligation that would stop the Department from extending the system to include other clearly objectionable material, e.g. images of bestiality, or anything other than images of child sexual abuse?*

The Department has stated on numerous occasions that the Digital Child Exploitation Filtering System is focussed on the filtering of known websites containing images of child sexual abuse. The Department has no plans to extend the filter to cover other types of publications that are deemed objectionable under the Films, Videos, and Publications Classification Act 1993. The Department considers that the Code of Practice will be its contract with the New Zealand public.

4. *Please send me a copy of the DIA's contract with NetClean or their local distributor for the use of the Netclean Whitebox system.*

In light of the New Zealand Government's policy of improving the transparency of government contracts, the Department has previously disclosed to you the existence of the contract, its value, the name of the supplier, the nature and quality of the software provided. The contract itself is being withheld in terms of:

- section 9(2)(b)(ii) of the Official Information Act (release would unreasonably prejudice the commercial position of the person who is the subject of the information), and
- section 9(2)(ba)(i) of the Official Information Act (to protect information that is subject to an obligation of confidence where the release of the information would prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information continue to be supplied).

However, I can advise you that the term of the contract is for 7 years.

5. *Please send me copies of any material (implementation details, technical references) sent to internet service providers.*

As stated in answer to your first question, this information is being withheld in terms of section 9(2)(k) of the Official Information Act.

6. *Could you please clarify whether the filter will only be used for images of child sexual abuse or will it also be used for text files as described by Trevor Henry, Senior Communications Advisor on 17/7/2009.*

Unfortunately, Trevor Henry's statement has been taken by some commentators as "proof" that the scope of the Digital Child Exploitation Filtering System will expand. As stated above, the purpose of the filtering system is to block access to known websites that contain images of child sexual abuse. These websites sometimes also contain text files that exploit children for sexual purposes, and where this occurs those text files will also be blocked. The examples given by Trevor Henry clearly demonstrate that written material can be just as abusive as pictures.

The Department does not consider that the reasons for withholding the information requested are outweighed by other considerations which render it desirable, in the public interest, to make the information available. 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 the decision to withhold information.

Yours sincerely



Steve O'Brien
Manager, Censorship Compliance Unit