

22 February 2022

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OMB 493133

Tēnā koe [REDACTED]

On 24 April 2021 I wrote to advise you that, following further review of your request for a copy of the *General Security Agreement* between New Zealand and the United States, we were unable to provide you with further information in relation to the agreement. This was due in large part to the impacts of COVID-19 on both governments, which precluded any discussion of the classified document via phone, email or video.

On 10 May 2021 the Office of the Ombudsman advised that it was investigating a further complaint from you in relation to our refusal to provide a copy of the agreement to you under the following sections of the Official Information Act 1982 (OIA):

- 6(a), to avoid prejudicing the international relations of the New Zealand Government, and
- 6(b), to protect the passing of information from another government on a confidential basis.

The Office of the Ombudsman closed this investigation on 21 July 2021 following a meeting between the Chief Ombudsman and the Chief Executive of the Ministry of Foreign Affairs and Trade (MFAT) in June 2021.

MFAT has continued to engage with the US Department of State on this issue since your first request. Continued COVID-19 impacts (resulting in around 2000 deaths per day in the US, and over 33,300 deaths in the Washington region to date), the need for interagency consultation, and other foreign policy priorities, have all resulted in a delay in responding to our request.

Following this engagement, we have now received agreement from the State Department to release to you the attached unclassified summary of the General Security of Information Agreement between New Zealand and the United States of America (US), including its amendments and annexes.

We have separately advised the Ombudsman of our response. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Julie-Anne Lee
for Secretary of Foreign Affairs and Trade

UNCLASSIFIED summary of the General Security of Information Agreement between New Zealand and the United States of America (US), including its amendments and annexes (the Agreement).

The Agreement is classified as SECRET. Its Amendments are classified as CONFIDENTIAL.

This is a summary of the Agreement reached in 1952, as amended in 1961 and 1982. The Agreement is still in force.

1952 Agreement

Parties: the 1952 signatories were the New Zealand Minister of Defence, Hon T L MacDonald, and the US Secretary of Defence, Robert Lovett.

Scope: the Agreement provides for the protection of classified military information disclosed from New Zealand to the US and vice versa.

Key protections:

- Maintaining the classification of the information received, using the recognised definitions of TOP SECRET, SECRET, CONFIDENTIAL and RESTRICTED.
- Using specific handling, storage and transmission according to information classification.
- Using only for military purposes.
- Prohibiting disclosure of classified military information outside each country's respective militaries.
- Using best endeavours to prevent any loss of intellectual property rights in relation to disclosed information.

1961 Amendments

The 1961 amendments extended the scope of the 1952 Agreement to cover all classified information exchanged between New Zealand and the US. In recognition of this extension, the signatories were the New Zealand Ambassador to the US, and the US Secretary of State.

1982 Amendments

The 1982 amendments added mutual obligations in relation to the subset of classified military information requiring certain investigative and monitoring steps to be taken to provide each party confidence that such information is being protected. The signatories were the US Ambassador to New Zealand, and the New Zealand Minister of Foreign Affairs, Hon Warren Cooper.

ENDS