

Work Programme

2025-26

Brendan Horsley
Inspector-General of Intelligence & Security
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INTRODUCTION

As Inspector-General of Intelligence and Security (IGIS) I provide independent oversight of New Zealand's intelligence and security agencies, the New Zealand Security Intelligence Service (NZSIS) and the Government Communications Security Bureau (GCSB). My oversight is directed at ensuring the agencies operate lawfully and in a manner New Zealanders would think proper.

The work of my office includes repeating tasks, such as reviews of warrants issued to the agencies, and self-initiated reviews or inquiries that examine specific areas of agency activity. The Intelligence and Security Act 2017 (ISA) requires me to prepare and publish a work programme each year. This, along with my annual report and public reports of inquiries and reviews, is an opportunity to inform the public of what oversight involves. Some details cannot be published, to avoid disclosing sensitive information. I aim to be as transparent as possible, however, to assure the public that oversight of the agencies is active and wide-ranging.

This year I again present my work programme thematically, focusing on the topics I will be examining rather than the means of examination. Experience has shown the need for flexibility in determining the scope and direction of my reviews of agency activity. The issues or risks that seem apparent at the outset are not necessarily those that remain after research and analysis. Sometimes an area of intelligence activity selected for attention turns out not to require a full review, eg if key questions are answered quickly. Equally a topic that initially prompts only a few questions can turn out to require deeper investigation. For these reasons this work programme is not a list of inquiries and/or reviews but a list of topics I intend to focus on, whether by review, inquiry, monitoring, or other forms of engagement with the agencies.

In identifying topics I aim to cover areas of compliance risk, follow up on issues arising from past reviews and inquiries, and keep abreast of changes in the nature and scope of agency activities. Over time I aim for balanced scrutiny of both agencies, though the number of reviews relating to each is not necessarily equal from year to year. This year, like the last, the balance tilts slightly towards the NZSIS. This is primarily due to my office finalising a number of NZSIS-focused reviews from 2024-25.

I expect to begin 2025-26 with 3.35 of 5.0 FTE investigators at work. These investigators, the Deputy Inspector-General and I make up the oversight workforce of the office, supported by an office manager (0.8 FTE). One further investigator (1.0 FTE) has been recruited and will join the office in the first half of 2025-26.



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OVERSIGHT TOPICS

These are the matters I expect to concentrate on in the coming year. I may add, remove or defer items, depending on resourcing needs and any emerging priorities (eg complaints requiring substantial investigation, unforeseen issues for inquiry or review).

Activities in the Pacific (both agencies)

For both agencies the Pacific has been a long-standing intelligence priority. New Zealand also provides protective security advice to Pacific nations. With an increasing focus on security and foreign influence in the Pacific, across government, the public, news media and academia, it is timely for my office to further develop our understanding of the intelligence activities, capabilities and practices of both agencies regarding the Pacific.

“Sensitive category individuals” (both agencies)

The online radicalisation of children and young persons (ie those under 18) towards violent extremism has been an increasing source of concern for intelligence and law enforcement agencies. The agencies have policies to ensure those who are considered “sensitive category individuals” due to age are afforded additional protection, such as higher levels of managerial oversight. My office will examine a number of counter-terrorism investigations to understand whether current policies provide effective safeguards for these young people.

Use of psychologists for operational purposes (NZSIS)

I intend to review how psychologists are used by the NZSIS, and if there are any propriety issues with this.

Conflict-related intelligence activity (both agencies)

The New Zealand agencies can produce intelligence of value to participants in international armed conflicts; collect intelligence relevant to the security of New Zealand forces deployed overseas; and have a legitimate interest in how international conflicts might influence or draw support from violent extremists in New Zealand. Intelligence activity relating to armed conflict generally merits oversight because of the risks involved. Given the conflicts under way in Ukraine, Israel/Gaza and Yemen, I will continue to monitor related intelligence activity, including intelligence sharing, associated human rights risk assessments, and any support to military operations. This monitoring is planned and systematic, but I am not committed to undertaking a specific inquiry. Monitoring might indicate where an inquiry is necessary, or might be sufficient to answer the questions arising.

Review of intelligence sharing (GCSB)

The Bureau shares intelligence with Five Eyes partner agencies, including in response to requests. I intend to review how the GCSB reviews and approves requests from partners to derive information from a specific access. I plan to review a sample of partner requests, for intelligence and its subsequent use or redistribution, to determine if there are unique risks I have not already considered in my reviews of GCSB’s raw data sharing and its human rights risk assessment process.

Disruption (both agencies)

“Disruption” or “threat mitigation” is action by an intelligence agency aimed at removing or reducing a security threat. The agencies have some scope in law to undertake disruption, eg by issuing warnings (NZSIS) or countering cybersecurity intrusions (GCSB). Although the ISA otherwise prohibits the agencies taking action to enforce measures for national security, the limits of this are unclear and I propose to review any actions taken.

Data and records management (both agencies)

Both intelligence agencies have substantial projects afoot to expand or update their data and records systems and capabilities. The GCSB is building a new data centre to hold government agencies’ most protected information. The NZSIS is updating its core document management system and its process for national security checks; introducing an investigative case management system and developing new systems to manage its data holdings. This year, both agencies will be audited by Archives New Zealand under the Public Records Act 2005. I will not duplicate this work, but will continue to monitor these projects, to understand them, ensure they facilitate oversight and assess whether any particular systems or procedures should be reviewed.

Research and development (GCSB)

The GCSB researches, develops and tests various signals intelligence capabilities, including resources and tools needed for computer and network exploitation. These activities have not previously been examined by oversight. I began my review in late 2024-25, and will continue building my office’s understanding of the scope and direction of the Bureau’s research and development activities, and what further research and/or review might be required.

Execution of class warrants (both agencies)

A class warrant enables otherwise unlawful intelligence activities against a class of persons, rather than a specific individual. Both agencies now operate predominantly under class warrants. In 2023-24 I began a review of how each agency operates under class warrants, including how they determine whether a person falls within a class and how that determination is managed over time. I expect to finalise classified reports on this review in the first part of the coming year.

Political neutrality (both agencies)

Foreign interference and malicious cyber activity present possible threats to the integrity of general elections and the intelligence agencies have a role in identifying, assessing and reporting on relevant activity. At the same time they are obliged by law to be politically neutral (s 18 ISA) and to respect the right to freedom of expression, including advocacy, protest and dissent (s 19 ISA). In 2024-25 I began a review of how the agencies understand political neutrality and what policies and practices they have to ensure compliance with s 18 ISA, focusing on activity in relation to the 2023 general election.

New Zealanders and international terrorist screening databases (NZSIS)

In 2023-24 my office began examining the NZSIS's engagement with international terrorist screening databases, which include 'No Fly' lists, in relation to the inclusion, review and removal of New Zealanders. I will complete a classified report on my findings in 2025-26.

UPCOMING PUBLIC REPORTING

My reviews result in classified reports, provided to the Minister responsible for the relevant agency and to the relevant Director-General. As far as possible I seek also to report publicly. This involves crafting public reports carefully, taking account of the views of the affected agency, to ensure that my reporting is as informative as possible without compromising security or intelligence partnerships. In some cases, where relatively little can be disclosed, I report on a review only in my annual report.

In the coming year I expect to report publicly on some oversight activity that was completed, or nearly so, in the past year, including:

- a review of the Bureau's systems and procedures for sharing raw (unevaluated) data with partner agencies;
- a review of the Bureau's collection of intelligence on transnational organised crime;
- a review of the Bureau's target discovery;
- a review of the Service's use of Business Record Directions; and
- a review of both agencies' use of artificial intelligence.

REGULAR REVIEW AND COMMENT

- **Intelligence warrants.** My office reviews all intelligence warrants issued to the Service and the Bureau.
- **Agreements and authorisations.** My office reviews, or is consulted on, a range of legal instruments and agreements that enable intelligence gathering. These include:
 - Direct Access Agreements, enabling agency access to specified government databases;
 - Business Records Approvals and Directions, authorising agency acquisition of information from telecommunications and financial service providers;
 - Assistance and cooperation agreements with foreign partner agencies.
- **Compliance incidents.** Both agencies encourage staff to self-report inadvertent breaches of law or policy controlling intelligence activity. These incidents are examined to identify any systemic issues and I am notified of those confirmed as

breaches requiring investigation. My office reviews the agency's response and seeks further information and assurance where necessary.

- **Progress on recommendations.** Where I have made (and the agencies have accepted) recommendations for change to systems, policies and procedures, my office engages with the agencies on implementation.
- **Assessment of agency compliance systems.** Each year in my annual report I am required to certify the extent to which the agencies' compliance systems are sound. This requires compilation and analysis of a broad range of information on the relevant systems and practices.
- **Site visits.** Periodically I and my staff visit both agencies' operational sites to observe and acquire information on their technologies and practices.

COMPLAINT INVESTIGATIONS

Each year I investigate complaints received about acts, omissions, practices, policies or procedures of the intelligence agencies. These investigations vary widely in duration and the resources required. By law they must be investigated in private, though public reporting of a completed inquiry is required to the extent possible.

CONTRIBUTION TO LEGISLATIVE REFORM

In recent years I have been consulted by the independent reviewers of the Intelligence and Security Act 2017 and officials working on the Government response to the reviewers' report. My office continues to provide input, on request, to the policy process led by the Department of the Prime Minister and Cabinet. This includes advice on matters relating to oversight of the intelligence and security agencies.

PUBLIC AND PEER ENGAGEMENT

I engage regularly with other New Zealand integrity agencies, such as the Privacy Commissioner and Ombudsman, public sector peers, the intelligence sector and public interest groups to explain the work of my office and keep in touch with external perspectives on national security and privacy.

I also engage with intelligence sector oversight bodies internationally, particularly those of the other 'Five Eyes' countries (Australia, Canada, the United Kingdom and the United States). In the coming year I will be preparing for and attending a conference of the Five Eyes oversight bodies in London. My office will also contribute to networks set up by the Five Eyes oversight bodies to share information on good practice. Staff from my office attend local conferences and seminars on intelligence and security matters each year.

I will continue my engagement with the Commissioners of Intelligence warrants, who have shown increased interest in engaging with my office to take advantage of our knowledge of the agencies' operations.