

OIA-2017-2844

6 September 2017

[REDACTED]

Dear [REDACTED]

I refer to your emails of 2 September 2017 requesting, under the Official Information Act 1982 (OIA), the following information:

*On 3 April 2017 the prime minister was briefed for approximately one hour by defence and other officials on the events described in the book *Hit and Run*. He was advised by CDF that there was no need for an inquiry into those events.*

I request a copy of the audio taken during that briefing and, if it exists, a transcript of that audio.

I also request a copy of all speaking notes and other documents used as part of the briefing.

If there are parts of these documents and the audio that you believe should be withheld under the OIA, please provide the documents and audio with redactions (in each case explaining what has been redacted and the reason for that redaction).

Your statement that the Chief of Defence Force advised the Prime Minister "*there was no need for an inquiry*" is incorrect. The Chief of Defence Force advised that in his opinion there was not enough information that would require further action under the Armed Forces Discipline Act.

Your request for a copy of any audio taken during the meeting, transcript and speaking notes is declined in accordance with section 18(e) of the OIA as this information does not exist. Documents used as part of this briefing contain details of the operation. These are withheld in accordance with section 6(a) as their release would likely prejudice the security or defence of New Zealand by providing insight into the operational tactics and capability of NZDF forces.

Separately, I note in yesterday's NZDF response to the recent Stuff Circuit programme on Afghanistan that NZDF said it collected biometric data as part of its work in Bamiyan.

Did the NZSAS troops on the 22 August 2010 SAS raid, Op Burnham, have equipment with them suitable for collecting biometric data? If so, how many sets of equipment for collecting biometric data were taken on the mission?

Did the NZSAS troops on the 22 August 2010 SAS raid collect any biometric data during the operation?

If yes, how many people's worth of biometric data was collected? If no, why not, given that NZDF says that nine insurgents were killed during the operation?

A single set of equipment suitable for collecting biometric data was with the NZDF personnel during Operation Burnham. Given the prevailing operational conditions it was not feasible to collect biometric data.

Please provide me with all documents about and recording the results of the "command investigation of the events of 22 August 2010 was conducted after Operation Burnham", which was mentioned in the response to parliamentary question for written answer number 02288 (2017).

As stated in the briefing document dated 30 March 2017, a copy of which has been provided to you, internal NZDF inquiries that "essentially take the form of a command investigation" were undertaken. An explanation of Defence Force investigative processes can be found on the NZDF website here:

<http://www.nzdf.mil.nz/corporate-documents/coi/cause-and-accountability.htm>

The inquiries conducted involved a review of material currently held by the NZDF and particularly included that material described in paragraph 12 of the briefing document. A decision on the release of these documents has already been provided to you. The review has not resulted in the generation of any new information.

You have the right, under section 28(3) of the OIA, to ask an Ombudsman to review my response to your request.

Yours sincerely



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