



New Zealand
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OIA-2019-3441

8 March 2019

s 9(2)(a)

Dear s 9(2)(a)

I refer to your email of 19 February 2019, requesting, under the Official Information Act 1982 (OIA), the following with reference to a response sent to you previously, dated 9 April 2018 (OIA-2018-2992):

- 1. Please provide an equivalent list of all people who have been shown the video (and also a list of people shown the ISR drone video) between then and now, including repeat people from the earlier list.*
- 2. Please provide the dates and locations of all screenings of one (specifying which one) or both the videos; and a list of which people from the overall list attended.*

Since the response provided to you in April 2018, the footage has continued to be viewed by individuals with the appropriate security clearances acting in their official capacity as members of the New Zealand Defence Force (NZDF), New Zealand Government, or officers of the Crown, that are involved in supporting the Inquiry into Operation Burnham. Specifically, officials from the Ministry of Foreign Affairs and Trade, the Government Communications Security Bureau, the New Zealand Special Intelligence Service, and NZDF personnel in the Special Inquiry Office have viewed the video.

As previously stated in the response of 9 April 2018, "records of each specific instance the video was viewed for official purposes, for how long and by whom were not generated". Furthermore, the NZDF implements the Protective Security Requirements (PSR) in relation to the handling of classified information, and there is no requirement for the NZDF to hold such records. Therefore, this part of your request is refused in accordance with section 18(g) of the OIA.

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

Yours sincerely

A.J. WOODS
Air Commodore
Chief of Staff HQNZDF

**A FORCE FOR
NEW ZEALAND**





OIA-2019-3435

15 March 2019

s 9(2)(a)

Dear s 9(2)(a)

I refer to your email of 14 February 2019, requesting, under the Official Information Act 1982 (OIA), the following:

1. *With reference to your 14 February response to my 21 December 2018 OIA request, I refine my request to emails containing the words "Operation Burnham" and "exemplary".*

The initial search in order to provide emails containing 'Op Burnham' and 'exemplary', for the response on 14 February 2019, included 'Operation Burnham' in the search terms. Therefore, no further emails or additional information can be provided.

2. *I request a copy of the document(s) that contain the planned NZDF public affairs approach to the Operation Burnham issue (since March 2017), for instance the planned words that NZDF PA staff proposed could be used. Please, include in this question public affairs documents that refer to Operation Burnham and the word "exemplary".*

No "public affairs documents" containing an NZDF public affairs planned approach to Operation Burnham or the following inquiry could be found. Therefore this request was refused under section 18(e) of the OIA as the information does not exist.

I refer you to the previous response on 27 September 2018, in which you requested "public affair strategies", "PR plans" and a copy of a "Public Affairs Crisis Plan". The requests were refused as public affairs strategies, plans and documents relating to Operation Burnham or the inquiry do not exist.

3. *With reference to your 13 February response to my 13 December 2018 OIA request, question number 3, was Peter Coleman the only person who provided comments on the Information Pack? If not, please provide copies of the document with each of their comments and amendments.*

On the NZDF Operation Burnham site, there are two information pack releases provided. I ask that you refine your request to the particular information pack that is subject to your request.

4. *With reference to your 13 February response to my 26 November 2018 OIA request, question 5: Like many Afghan people Islamuddin had only one name. He was Islamuddin, son of Abdul Qadir. Please answer the question as follows: a) was someone/anyone called Islamuddin referred to in any Op Burnham documents from*

2010 and b) if so, was someone/anyone called Islamuddin referred to as having been killed during the operation?

Since the prior request, the NZDF has received guidance from the Ombudsman on the application of the non-publication order set by the Inquiry. This request seeks information that is subject to the non-publication order issued by the Inquiry, pursuant to section 15(1)(a) of the Inquiries Act, in the Ruling No. 1 dated 21 December 2018. The information relevant to this request is contained in classified material which has already been provided to the Inquiry. Therefore, this part of your request is refused under section 2(ha) of the OIA, as this information is now not considered 'official information'.

5. *Please provide all documents on Iraq and Afghanistan that Peter Coleman has commented on, proofed, read and/or amended since January 2016.*

To provide documents concerning Iraq and Afghanistan that Peter Coleman has read, edited or commented on in a three year period would amount to substantial collation and research. Therefore this part of your request is refused under section 18(f) of the OIA.

6. *Has Peter Coleman deleted any documents concerning Operation Burnham in or since April 2018? Please check the deleted files and emails and provide copies of all.*

The NZDF does not hold records of deleted files or documents concerning Operation Burnham that may have been held by Peter Coleman. Therefore, this part of your request is refused under section 18(e) of the OIA as the information does not exist.

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

Yours sincerely



A.J. WOODS
Air Commodore
Chief of Staff HQNZDF

OIA-2019-3461

15 March 2019

s 9(2)(a)

Dear s 9(2)(a)

I refer to your email of 25 February 2019, requesting, under the Official Information Act 1982 (OIA), the following in relation to the New Zealand Defence Force (NZDF) unclassified narrative, released in November of 2018:

1. *On page 8 the GFC gives "clearance to the Apache helicopters to engage the insurgents" at about 0048 hours. Two paragraphs down (at 0054 hours) these insurgents "were fired at by aircraft". Does this 0054 event refer to Apache helicopters?*
2. *Still on page 8, in the next paragraph, "one of the Apaches fires on this insurgent". So here the Apache helicopter is identified. I am not asking a question here.*
3. *On page 10 (0123 hours) "support aircraft" observed and engaged insurgents. Does this 0123 event refer to Apache helicopters?*
4. *Still on page 10 (0238 hours), "air support" identified four insurgents and engaged them. Does this 0238 event refer to Apache helicopters?*

This request asks the NZDF to confirm the aircraft that were involved with each engagement. To provide these details would require the NZDF to release information that is subject to the non-publication order issued by the Inquiry, pursuant to section 15(1)(a) of the Inquiries Act, in the Ruling No. 1 dated 21 December 2018. Information concerning engagements by particular aircraft during the operation is contained in classified material which has already been provided to the Inquiry. This part of your request is refused under section 2(ha) of the OIA as this information is now no longer considered 'official information'.

5. *In the narrative, are "aircraft", "support aircraft" and "air support" references to the same type of aircraft? If not, please explain the meanings of and differences in the words used.*

The three terms can be used interchangeably to refer to fixed and rotary wing aircraft used during operations. However, the terms "aircraft", "support aircraft" and "air support" are not used in the NZDF unreferenced account of events to refer to the same type of aircraft. The terms are used to refer to a number of different aircraft types. Providing further details on the different aircraft types used during the operation and their particular operational capacity would require providing information contained in classified material that has been provided to the Inquiry.

This material is subject to the section 15 non-publication order issued by the Inquiry in the Ruling No.1, and therefore is now no longer considered 'official information'. This part of your request is refused under section 2(ha) of the OIA.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'A.J. Woods', with a horizontal line underneath.

A.J. WOODS
Air Commodore
Chief of Staff HQNZDF

