

22 May 2023

**Hon Andrew Little, Minister Responsible for the Government Communications Security Bureau**

**Hon Ginny Andersen, Minister for the Digital Economy and Communications**

By email

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Dear Ministers

**Re: Proposal to integrate the functions of CERT NZ into the National Cyber Security Centre**

1. InternetNZ has been approached by the National Cyber Policy Office of the Department of the Prime Minister and Cabinet (**DPMC**) for feedback on a proposal to integrate the functions of CERT NZ into the National Cyber Security Centre (**NCSC**), within the Government Communications Security Bureau (**GCSB**).
2. We met with representatives from DPMC, CERT NZ and GCSB on Thursday 18 May to provide feedback on this proposal. The concerns we shared are set out in summary below. These are the views of InternetNZ; we have not been able to engage with and understand the views of people in the NZ Internet Community, including Māori, because the DPMC's engagement process is confidential.

**We have not yet heard a compelling reason for why this change is needed, or that there is a critical problem that needs to be solved**

3. [A 2014 review of CSIRT models around the world commissioned by InternetNZ \(2014 review\)](#) considered the balance between authority and approachability in a computer security incident response team (**CSIRT**). A CSIRT situated inside or close to government has the advantages of government support and better coordination, whereas a CSIRT with few ties to government has the advantages of political independence and approachability.
4. We supported MBIE as the initial incubating organisation for CERT NZ because it achieved an acceptable balance between these considerations. We envisaged and expected that CERT NZ would eventually be set up as an independent vehicle because we felt that independence and trust were important to its success. This practice is in line with comparable nations which place their CSIRT's outside of government.
5. We are disappointed that instead of a movement towards more independence from government, the opposite is being proposed. It is unclear to us that there is a compelling enough problem with CERT NZ's current location that this proposal is necessary. We think any potential advantages in

coordination from such a move would be outweighed by the potential risks we foresee.

### **The proposal risks undermining the ability of CERT NZ to operate effectively**

6. The 2014 Report says that a CSIRT's number one asset is its reputation; "trust takes a long time to build, and is quickly destroyed".
7. The government has recently launched a Digital Strategy for Aotearoa, the first pillar of which is mahi tika: trust. We are deeply concerned that integrating CERT NZ within the GCSB would damage the community trust CERT NZ relies on to be effective in its work.
8. **The proposed merger could mean that individuals, organisations and small businesses from certain communities will not report incidents.** Some communities may not feel safe to engage with a CERT that is a department or function of the GCSB. There is clear evidence that Māori in particular do not trust the security intelligence functions of government. Whether or not mitigations are put in place, the name association alone is a large risk to Māori engagement with CERT NZ, in part because over-securitisation is a concern for minority and marginalised groups.
9. **The proposed merger could put CERTNZ's relationships at risk.** CERT NZ relies on a network of partners and allies (including civil society and community organisations) to enable it to build awareness, expand its reach and capability, and provide support to individuals and groups, communities, and organisations. These types of organisations and groups could find it difficult to collaborate with the GCSB.
10. **The proposed merger could undermine CERT NZ's ability to operate in a flexible and open way.** CERT NZ functions best when oriented to transparency, support, empathy, and accessibility. Due to the nature of its work, the GCSB is likely to be less able to collaborate, share information and be flexible and fast moving.

### **Merging CERT NZ with NCSC could exacerbate anti-government sentiment and distrust in government**

11. Merging a public-oriented cyber security organisation with a security service like the GCSB without sufficient consultation, transparency, and cooperation with communities will result in public gaps in knowledge which are too easily filled with speculation, disinformation, and conspiracy theories.
12. This kind of misinformation can further undermine trust in the government and, by extension under this merger, CERT NZ.

### **This proposal needs much broader engagement before it can advance**

13. We are concerned that communities have not been consulted about the impact this proposal could have on the individuals and community organisations that CERT NZ works with and serves.
14. Transparent and diverse engagement is necessary to test the impact this proposal would have on trust and key relationships in communities. Lack of broad and transparent engagement will also undermine trust in any final decision.

15. We would like to see this proposal tested with all stakeholders, most urgently Māori. Māori whanau, hapu and iwi and the Māori tech and business communities should be consulted in line with the government's Treaty obligations of engagement with Māori. INZ would encourage the use of Te Arawhiti's engagement principals in this process; engage early, be inclusive, and think broadly.

**Next steps**

16. Thank you for considering our concerns. We would be happy to discuss them in person with you.
17. We remain open to conversations with your officials on how we might support the broader stakeholder engagement we think this proposal requires.

Ngā mihi nui,



**Vivien Maidaborn**

Tumu Whakarae | Chief Executive

InternetNZ