

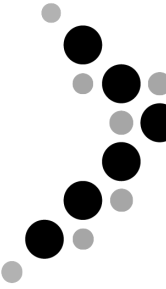
1 December 2020

**Hon Jan Tinetti**  
**Minister of Internal Affairs**  
Parliament Buildings  
Wellington

CC Hon Dr David Clark  
Minister for the Digital Economy and Communications  
Minister of Statistics

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**internetnz**



**Re: InternetNZ briefing to incoming Minister of Internal Affairs**

Dear Minister

Congratulations on your recent appointment to the role of Minister of Internal Affairs. In this letter, we share our thoughts about work under that portfolio. We would very much appreciate the chance to meet you and discuss these in person.

**A little bit about InternetNZ**

InternetNZ is the home and guardian of the .nz domain name system, providing the infrastructure, security and support to keep it running. In addition to providing this critical infrastructure, we help New Zealanders harness the power of the Internet through community grants and research. We also work with government agencies to provide an Internet perspective on government policy and law reform.

We can support you as Minister by providing expertise on Internet issues, a civil society perspective and the ability to engage across the digital technology ecosystem.

**A couple of important things**

As the new Minister of Internal Affairs, we understand you will be establishing your priorities for the next three years. The Internal Affairs portfolio includes a range of work that affects the way New Zealanders use and experience the Internet. In this briefing we talk about a couple of areas where you can make a difference. These are:

- a) **Building community confidence in digital technologies**, by leading a government approach which builds buy-in and engagement around its own uses of technology;
- b) **Upholding the government's commitment to a free, open and secure Internet**, which means reconsidering legislative provisions for legally mandated filtering of Internet access by New Zealanders in a Bill introduced by the previous Minister.

**We encourage work to build community engagement and buy-in on digital identity**

The Department of Internal Affairs is leading policy work that would enable an ecosystem of recognised digital identity providers for New Zealand. We support this work, and particularly welcome the focus on building a trust framework to support community confidence in the system. Looking at digital identity work overseas, we think New Zealand has an opportunity to lead the world in developing a people-

**Helping New Zealanders  
harness the power  
of the Internet.**

focused approach to digital identity, meaning a system that upholds human rights and privacy interests, gives people visibility and control of their data, and is developed to support the interests of Māori.

We think the most important step to realise that opportunity would be to do more work to engage with communities before legislation is presented to Parliament.

### **Government can help with broader community engagement on digital technologies**

The digital identity work is a good example of the government taking an approach to digital technologies that builds community buy-in. As Minister of Internal Affairs, we hope that you will continue to support and promote technology adoption in a way that protects and empowers New Zealanders.

The uptake of digital technologies across society, a process sped up by COVID-19, has created a range of new uncertainties for people. People are aware that there can be broad and sometimes surprising impacts from the use of digital ways to connect online or automate processes, particularly from newer technologies like facial recognition which deal with sensitive personal data and have no precedent in any society.

Through both formal regulatory decisions and its own operational and procurement processes, the government makes a range of important choices about the use of digital technologies in the New Zealand community. It is important that government ensures its own approach to digital technologies is undertaken in ways that support a shared understanding of digital technologies and builds community confidence. This could be done through a mix of proactive guidance on good practices, and open engagement to hear people's perspectives and show how they are being considered. There is an excellent starting point in the government's Digital Service Design Standard, the Algorithm Charter from StatsNZ, and the model for testing social licence developed by the Data Futures Partnership and Massey University's Toi Āria.

InternetNZ would welcome the chance to talk about this, and could offer to help identify stakeholders and host some conversations that would contribute to the work of community engagement on digital technologies.

### **New legislation needs to work for a free, open and secure Internet**

In the previous term of Parliament, the government introduced the Films, Videos, and Publications Classification Amendment (Urgent Interim Classification of Publications and Prevention of Online Harm) Bill. The Bill was put forward as part of the government's response to the terrorist attacks of March 15, 2019, alongside resourcing for investigations, law changes affecting access to firearms, and leading on international responses through the Christchurch Call process.

We support most of the proposed changes in the reinstated Bill, particularly the provisions for quicker interim decisions by the Censor's office and the new criminal offence for livestreaming with intent to cause harm. However, the Bill also includes provisions to mandate filtering of New Zealanders' Internet access by Internet service providers.

We strongly oppose legal provisions for mandatory Internet filtering, and recommend these be removed from the Bill. We think mandatory filtering of Internet access would be an extreme step in a democratic society, and one with no practical benefit. In practice, people engaged in abusive behaviour would bypass filtering, but this

would still leave technical restrictions and side-effects on the normal and responsible use of the Internet by ordinary people.

As the Cabinet papers set out, a range of stakeholders have concerns about Internet filtering, including people from the communities most targeted online. In our view, mandating Internet filtering would be out of step with both basic rights and community expectations, and out of line with the Christchurch Call commitment to uphold the principles of a free, open and secure Internet.

InternetNZ supports policy work to effectively address abusive behaviours online that lead to serious harms. We have been engaging with your officials to understand what that might require, and would welcome the chance to discuss this with you directly.

**We support a media review that considers the big challenges for a more digital world**

For many years now government has been looking to scope a review to modernise New Zealand's media content regime ("the media review"). During the more recent phase of this work, Cabinet decisions have identified an even broader range of policy problems as being potentially in scope for this review, including regulation of content on social media and hate speech.

We understand that the Minister of Broadcasting and Media will be leading the media review, and will be working with you. We have recommended to Minister Faafoi that the Government take a broad, first principles approach to scoping the media review. This would include taking the time to understand the contemporary information ecosystem, including the new harms that people and society are facing from various types of conduct and content online, and identifying what the core objectives of a modern media regime should be and how to achieve them in this significantly changed context.

We think that a broad approach requires an inclusive process, with input from New Zealanders and a number of government agencies and consideration of the international context. This will ensure social license, technical effectiveness, cross agency support and international compatibility in setting the scope for the review, identifying its objectives and crafting an ultimate response.

The media review is an important piece of work and we want to support it. We can help with understanding how the Internet fits into the development of scope and options, and with engagement.

**We would welcome the chance to discuss our perspective and how we can help**

Thank you for the time you have taken to read this letter. We look forward to meeting you to discuss these issues further.

Ngā mihi nui,



Jordan Carter  
**Chief Executive**



Kim Connolly-Stone  
**Policy Director**