

Inquiry into the unauthorised release of information relating to the GCSB compliance review report: Terms of Reference

Background

In October last year Andrew Kibblewhite, Chief Executive of the Department of the Prime Minister and Cabinet and Ian Fletcher, Director of the Government Communications Security Bureau, commissioned Cabinet Secretary Rebecca Kitteridge to undertake a compliance review of the GCSB.

Ms Kitteridge delivered her report to the Director GCSB on 22 March 2013. It was marked (on all pages) "Sensitive". The Prime Minister's Office intended to release it in the week beginning 15 April. However, there was an unauthorised disclosure of the Review to the media which was reported on 9 April.

As the commissioners of the report, Andrew Kibblewhite and Ian Fletcher have appointed David Henry to conduct an inquiry on their behalf.

Objectives

The objectives of this inquiry are to:

- Investigate and report the relevant facts concerning the unauthorised disclosure of information;
- Report any appropriate findings on how this information was released and by whom;
- Make recommendations (if applicable) on improving the internal information management process, based on any lessons to be drawn from the Inquirer's investigations.

Methodology

It is envisaged that the inquiry will be conducted in two stages:

- Stage 1 will include reviewing communications and copying equipment and records, log books and any other material considered relevant of the persons (and/or their offices) who had or were likely to have had access to the compliance review report, and then;
- Stage 2 will include the conduct of formal interviews if the Inquirer believes these are warranted by the facts and would assist him in meeting the objectives of the inquiry.

DPMC and GCSB will each make available a senior official to support David Henry in carrying out this inquiry.

All relevant rules of natural justice will be observed in terms of any persons identified in the conduct of this inquiry.

Timeframe

It is anticipated that David Henry will present his findings and/or recommendations to Andrew Kibblewhite and Ian Fletcher by the end of May 2013, for their consideration and response.