

19 March 2026

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Tēnā koe for Proactive Release

Thank you for your email of 26 February 2026, in which you request the following under the Official Information Act 1982 (OIA):

"I am writing to request information under the Official Information Act 1982 regarding the Enhanced Border Security Partnership (EBSP) being negotiated between New Zealand and the United States.

I request the following:

- 1. The date negotiations commenced and any terms of reference or mandate documents governing them.*
- 2. All categories of personal and biometric data proposed to be shared under the EBSP.*
- 3. Whether the agreement's scope extends beyond travellers to family members, associates, or other individuals.*
- 4. Whether the agreement would provide full automated access to any New Zealand government databases, and if so, which ones.*
- 5. Any privacy impact assessments or data protection evaluations undertaken in relation to the proposed EBSP, and copies of those assessments.*
- 6. All safeguards under consideration to protect New Zealanders' personal information, including provisions on data retention, purpose limitation, onward sharing, correction, and disposal.*
- 7. Any advice on the agreement's compatibility with the Privacy Act 2020 and the Biometric Processing Privacy Code, and whether the Privacy Commissioner has been consulted.*
- 8. Whether the agreement will be subject to parliamentary scrutiny or public consultation before it is finalised.*
- 9. Any advice on which US agencies would have access to shared data, including whether Immigration and Customs Enforcement (ICE) would have access.*
- 10. Whether the government is aware of any ICE personnel currently stationed or operating in New Zealand."*

Response to your request

Parts one through nine of your request are refused under section 18(e) of the OIA, as the information you requested does not exist.

New Zealand has been a member of the United States Visa Waiver Program since 1991. The United States (US) periodically reviews and updates its requirements for participation in its Visa Waiver Program. The EBSP is such an update, asking New Zealand to implement real-time automatic comparison of fingerprints against criminal databases.

In our discussions with the US, New Zealand is trying to clarify the US request, to explain New Zealand's current legislative settings, and to understand the potential operational impacts. Once these matters are clarified, officials will provide Ministers with advice on what would be involved, for a decision from Ministers on whether to proceed further.

Regarding part ten of your request, there is one Department of Homeland Security officer posted to the US Embassy in Wellington, assigned from Homeland Security Investigations, which operates under Immigration and Customs Enforcement (ICE).

Please note that it is our policy to proactively release our responses to official information requests where possible. Therefore, our response to your request (with your personal information removed) may be published on the Ministry website: www.mfat.govt.nz/en/about-us/contact-us/official-information-act-responses/

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā



Sarah Corbett
for Secretary of Foreign Affairs and Trade