

12 March 2026

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Release

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Tēnā koe

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

"I am requesting all information held by your agency relating to negotiations, proposals, assessments, or discussions concerning the Enhanced Border Security Partnership (EBSP) with the United States, including any changes to New Zealand's participation in the Visa Waiver Program.

This request includes, but is not limited to:

1. Negotiation and policy documents

- All briefings, reports, memos, internal emails, talking points, negotiation mandates, and Cabinet papers.*
- All documents provided to Ministers or senior officials.*
- All communications with US agencies, including the Department of Homeland Security, Customs and Border Protection, and any other US government body.*

2. Biometric and identity-data sharing proposals

- Any proposed biometric, biographic, or identity-data fields to be shared with the United States.*
- Any proposals for automated, direct, or federated US access to New Zealand databases (including passports, identity services, immigration, law-enforcement, or border systems).*
- Any technical descriptions of matching systems, interoperability, API access, or "hit/no-hit" vs. full-record access.*
- Any documents describing safeguards, audit mechanisms, retention rules, onward-sharing controls, or limitations on US use of New Zealand data.*
- Any confirmation/indication that as a baseline requirement in the interest of reciprocity, that NZ will have access to US held data to the same extent that the US will for NZ held data.*

3. Privacy, legal, and operational analysis

- All privacy impact assessments, risk assessments, legal analyses, or compatibility assessments with the Privacy Act, the Passports Act, or other relevant legislation.*
- Any analysis of sovereignty, human-rights, or public-interest implications.*

– Any assessment of whether the proposals require legislative change, Cabinet approval, or parliamentary scrutiny.

4. Consultation and oversight

– Any consultation with the Office of the Privacy Commissioner, Māori groups, civil-society organisations, or external experts.

– Any internal discussion about whether public consultation is required or intended.”

On 2 March 2026, the Ministry of Foreign Affairs and Trade (the Ministry) contacted you to discuss the scope of your request, because as it was originally framed, it captured a significant volume of information.

On 5 March 2026, you agreed to refine the scope of part one of your request to be for:

“Only material relating to negotiating on the EBSP.”

Your request is refused under section 18(e) of the OIA, as the information does not exist.

New Zealand has been a member of the United States Visa Waiver Program since 1991. The United States 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.

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