



29 August 2013

Dr Russel Norman MP
House of Representatives
Parliament Buildings
PO Box 18 888
WELLINGTON 6160

Dear Dr Norman

**GOVERNMENT COMMUNICATIONS SECURITY BUREAU (GCSB)
COMPLAINT PURSUANT TO s216B, CRIMES ACT 1961**

This letter is to advise you of the outcome of the Police Investigation into your complaint that the GCSB illegally intercepted the private communications of Mr Kim Dotcom and Mr Bram Van der Kolk.

At the direction of the Commissioner in early October 2012 a team of senior investigators initiated a criminal investigation into your complaint.

Interviews of key personnel from Police, in particular Organised Financial Crime Agency New Zealand (OFCANZ), the GCSB, Immigration New Zealand and Crown Law amongst others formed part of this inquiry.

In addition to interviews the investigation team reviewed a significant amount of documentary evidence held by OFCANZ, the GCSB, and Immigration New Zealand, much of which was classified material.

Due to the requirements of investigating this matter in a highly classified environment many of the inquiries that needed to be conducted were protracted as a result. Additionally, during the course of the inquiry, you will be aware a number of other separate (non-police) but related inquiries ran parallel.

Although the inquiry focussed on issues specifically related to the offence against section 216B of the Crimes Act 1961, it also considered offences in the wider context including section 216C and 107 of the Crimes Act 1961, with reference to the GCSB Act 2003.

It was established that one communication relating to Mr Dotcom had been intercepted in breach of the provisions of section 216B.

Subject to the issue of criminal intent, the elements of an offence in respect to section 216B of the Crimes Act 1961 were established in relation to the actions of the GCSB. As for the issue of criminal intent, it cannot be established that any GCSB staff had the necessary criminal intent to illegally intercept private communications in this case and GCSB staff cannot be criminally liable.

POLICE NATIONAL HEADQUARTERS

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Safer Communities Together

With regard to section 216C of the Crimes Act 1961 no offence was identified.

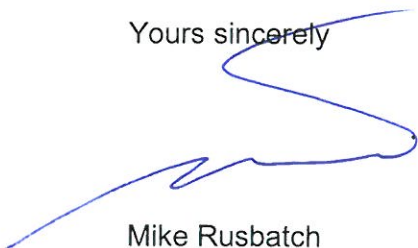
Although section 107 of the Crimes Act 1961 was considered, the investigation found there was no criminal liability on the part of any GCSB staff on the basis that the necessary intent could not be established.

At the conclusion of this investigation Police obtained an independent legal review of their findings from senior Barrister Kristy McDonald QC. That review supported Police findings.

From a criminal investigation perspective this inquiry has now concluded.

If you have any questions please contact the Officer in Charge of the investigation, Detective Superintendent Peter Read.

Yours sincerely



Mike Rusbatch
ASSISTANT COMMISSIONER: OPERATIONS