

PSR

Protective Security Requirements

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Protective Security Requirements (PSR) Policy Framework:

PERSONNEL SECURITY (PERSEC)

APPENDICES

Appendices

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Appendix A: Security Clearance Levels

The four security clearance levels and their requirements are set out below. Refer to [Getting a national security clearance \(PDF\)](#) for more information.

CONFIDENTIAL Vetting (CV)

Assessment type

Candidate's suitability for ongoing access to New Zealand government information or resources protectively marked at the CONFIDENTIAL level.

Nature of vetting

Vetting at the CONFIDENTIAL level is 'negative' in that inquiries are usually limited to checking records for adverse indicators.

If nothing negative is found, the national security clearance will usually be recommended.

Checkable background requirement

Most recent 5 years of candidate's background, or back to age of 18.

SECRET VETTING (SV)

Assessment type

Candidate's suitability for ongoing access to New Zealand government information or resources protectively marked at the CONFIDENTIAL level and SECRET level.

Nature of vetting

Vetting at the SECRET level is an 'intermediate' vetting involving more extensive enquiries than for a 'negative vetting'.

Referees are required.

The consideration not only assesses whether anything adverse is known about the candidate but must also establish some positive assurance.

Checkable background requirement

Most recent 10 years of candidate's background, or back to age of 18.

TOP SECRET Vetting (TSV)

Assessment type

Candidate's suitability for ongoing access to New Zealand government information or resources protectively marked at the CONFIDENTIAL, SECRET and TOP SECRET level. This includes resources that carry compartmented markings.

Nature of vetting

For vetting at the TOP SECRET level, the security assessment must be 'positive'.

Referees are required.

Extensive inquiries are carried out to check suitability for access to the highest levels of national security information or resources that are protectively marked.

Positive assessment is only given if inquiries provide sound reasons to consider the candidate trustworthy in the security context and suitable to have access to the highest levels of national security information.

Minimum age

18 years of age

Checkable background requirement

Most recent 10 years, or back to age of 18.

TOP SECRET SPECIAL Vetting

Assessment type

Suitability for ongoing access to all information and resources protectively marked under the security classification system, including resources that carry compartmented markings.

Nature of vetting

TOP SECRET SPECIAL clearance is limited to:

- members of the New Zealand Intelligence Community (NZIC)

Some groups and individuals within:

- the Department of the Prime Minister and Cabinet (DPMC)
- New Zealand Customs Service
- Ministry of Foreign Affairs and Trade (MFAT)

- New Zealand Defence Force (NZDF)
- some agency heads who will have frequent access to the highest levels of national security information and a wide need-to-know requirement.

Referees are required.

More extensive inquiries are conducted in these instances.

The final assessment must be compellingly positive and have no residual security concerns.

Minimum age

18 years of age.

Checkable background requirement

Most recent 15 years, or back to age of 18.

Appendix B: Security Assessment Criteria and the Adjudicative Guidelines

This section explains the Security Assessment Criteria and the Adjudicative Guidelines that the NZSIS vetting process uses to help assess if a candidate is trustworthy, and responsible to be granted a national security clearance.

Security Assessment Criteria

Legal aspects to security vetting assessment

Work involving New Zealand's national security, factors must sometimes be considered that might otherwise be discriminatory, as recognised in Section 25 of the Human Rights Act 1993.

The prohibition on discriminating in employment on the grounds listed below does not apply to employment in the area of national security:

- religious or ethical belief
- political opinion
- mental health
- particular marriage partners or relatives
- national origin.

Further, where a person is under age 20, it is not a breach of the Act to decline employment on the grounds of age if the work requires a high level (SECRET, TOP SECRET or TOP SECRET SPECIAL) national security clearance.

However, it remains unlawful to discriminate on the grounds of:

- gender
- sexual orientation or preference
- age (other than as outlined above)
- ethnicity
- physical disability
- marital status.

The security vetting process

The security vetting process is an examination on a 'whole-of-person, whole-of-life' basis to make a determination of a candidate's suitability to hold a national security clearance.

Eligibility for access to protectively marked material is predicated upon the candidate being positively assessed based on these guidelines.

The NZSIS must consider your whole life and range of experiences – so they assess you accurately as a unique individual.

All available and reliable information about the candidate, past and present, favourable and unfavourable, should be considered in reaching a determination.

In evaluating the relevance of any conduct, the assessing officer should consider the:

- nature, extent, and seriousness of the conduct
- circumstances surrounding the conduct, including the degree of willing and/or knowledgeable participation
- frequency and recentness of the conduct
- candidate's age and maturity at the time of the conduct
- presence or absence of rehabilitation and other pertinent behavioural changes
- motivation for the conduct
- potential for pressure, coercion, exploitation or duress
- likelihood of continuation or recurrence.

Candidates must be assessed on their own merits, and the final determination remains the responsibility of the vetting staff.

Any doubts regarding the candidate's suitability must be resolved in favour of the national interest.

Suitability to hold a clearance

A candidate is suitable to hold a national security clearance at any level where it is established, to the appropriate degree of satisfaction, that the candidate possesses and demonstrates an appropriate level of integrity, that is, a soundness of character and moral principle.

In the security context, integrity is defined as a range of character traits that a candidate must possess and demonstrate for the government to have confidence in that candidate's ability to protect protectively marked material.

These character traits are:

- honesty
- trustworthiness
- loyalty.

Reference to a number of factor areas of the candidate's life, including personal relationships, employment history, behaviour and financial conduct contributes to an assessment of a candidate's integrity.

Agencies must be confident that staff who are responsible for protectively marked material possess a sound and stable character before they are granted a national security clearance.

Candidates must also demonstrate that they are not unduly vulnerable to coercion or other adverse influence.

Assessment criteria

The ultimate determination of whether a recommendation for a national security clearance is consistent with the national interest must be an overall common-sense determination based upon careful consideration of the whole person in the context of the following:

- **Guideline A: External loyalties, influences and associations**
- **Guideline B: Personal relationships and conduct**
- **Guideline C: Financial considerations**
- **Guideline D: Alcohol and drug use**
- **Guideline E: Criminal history and conduct**
- **Guideline F: Security attitudes and violations**
- **Guideline G: Mental health disorders.**

These factors may have a bearing on one or more of a candidate's character traits.

Although adverse information concerning a single aspect may not be sufficient for an unfavourable determination, the candidate may not be recommended for a clearance if available information reflects a current or recurring pattern of:

- questionable judgment
- dishonesty
- immaturity
- untrustworthiness
- irresponsibility
- vulnerability to influence or coercion
- emotionally unstable behaviour.

Reliable and significant adverse information may lead the assessor to recommend against a clearance being granted.

When information of security concern becomes known about a candidate who currently holds a national security clearance and has access to protectively marked material, the assessing officer should consider the following factors before determining whether a continued clearance is recommended.

Whether the person:

- voluntarily reported the information
- responded to questions truthfully and completely
- sought assistance and followed professional guidance, where appropriate
- resolved or appears likely to favourably resolve the security concern

- has demonstrated positive changes in behaviour and employment.

If, after evaluating material of security concern, the assessor decides the material is not serious enough to warrant a recommendation against a national security clearance, it may be appropriate to recommend granting the clearance with a warning that future incidents of a similar nature may result in an adverse recommendation.

Adjudicative Guidelines

Guideline A - External Loyalties

The concerns

A1. There must be no doubt about a national security clearance holder's allegiance to New Zealand and his or her willingness to protect protectively marked material relating to New Zealand's national security.

A2. Anyone working on behalf of the New Zealand government must have a commitment to the democratic process and a respect for the processes by which the elected government functions.

If candidates express political or personal views incompatible with New Zealand's constitutional, democratic system of government, doubts arise about whether they can remain loyal to the New Zealand government.

It is accepted that conflicts of view or even conscientious objections could arise in some cases. However, the issue is whether candidates recognise their individual responsibilities to their employing agency, the elected government and the public interest.

A3. When a candidate acts in such a way as to indicate a preference for a foreign country over New Zealand, then he or she may be prone to act in a way that is harmful to the national interest of New Zealand.

A4. Involvement in certain types of outside employment or activities is of security concern if it poses a conflict with a candidate's security responsibilities and could create an increased risk of unauthorised disclosure of security protectively marked information.

A5. A security risk may exist when the candidate or their immediate family, including cohabitants, and other persons to whom he or she may be bound by affection, influence or obligation are not New Zealand citizens or may be subject to duress.

These situations could create the potential for foreign influence over divided loyalties that could result in the compromise of protectively marked information.

Contacts with citizens of other countries or financial interests in other countries are also relevant to security determinations if they make the candidate potentially vulnerable to coercion, exploitation or pressure.

Conditions that could raise a security concern and may be disqualifying

A6. Involvement in, support of, training to commit, or advocacy of any act of:

- espionage
- sabotage
- terrorism
- treason
- politically motivated violence
- attacks on New Zealand's defence systems
- acts of foreign interference.

A7. Association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts.

A8. Association or sympathy with persons or organisations that advocate, threaten, or use force or violence, or use any other illegal or unconstitutional means, in an effort to:

- overthrow or influence the New Zealand government
- prevent government employees from performing their official duties
- gain retribution for perceived wrongs caused by the New Zealand government
- prevent others from exercising their rights under the Constitution or laws of New Zealand.

A9. Contact with a family member, business or professional associate, friend, or other person who is a citizen of, or resident in, a foreign country, if that contact creates an unacceptably heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion.

A10. Connections to a foreign person, group, government, or country that create a potential conflict of interest between the candidate's obligation to protect protectively marked material and the candidate's desire to help a foreign person, group, or country by providing that information.

A11. Sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign or criminal inducement, manipulation, pressure, or coercion.

A12. A substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the candidate to heightened risk of foreign influence or exploitation.

A13. Failure to report, when required, an association with a foreign citizen.

A14. Unauthorised and/or concealed association with a suspected or known agent, associate, or employee of a foreign intelligence service.

A15. Indications that representatives or citizens of a foreign country are acting to increase the vulnerability of the candidate to possible future exploitation, inducement, manipulation, pressure, or coercion.

A16. Conduct, especially while travelling outside New Zealand, which may make the candidate vulnerable to exploitation, pressure, or coercion by a foreign person, group or government.

A17. Exercise of any right, privilege or obligation of foreign citizenship after becoming a New Zealand citizen. This includes but is not limited to:

- possession of a current foreign passport
- military service or a willingness to bear arms for a foreign country
- accepting educational, medical, retirement, social welfare, or other such benefits from a foreign country
- residence in a foreign country to meet citizenship requirements
- using foreign citizenship to protect financial or business interests in another country
- seeking or holding political office in a foreign country
- voting in a foreign election.

A18. Action to acquire or obtain recognition of a foreign citizenship by a New Zealand citizen.

A19. Performing or attempting to perform duties, or otherwise acting, so as to serve the interests of a foreign person, group, organisation, or government in conflict with New Zealand's national interest.

A20. Any statement or action that shows allegiance to a country other than New Zealand, for example, declaration of intent to renounce New Zealand citizenship, or the renunciation of New Zealand citizenship.

A21. Any employment or service, whether compensated or voluntary, with:

- the government of a foreign country
- any foreign citizen, organisation or other entity
- a representative of any foreign interest
- any foreign, domestic, or international organisation, including media, or person engaged in analysis,
- discussion, or publication of material on
- intelligence, defence, foreign affairs, protected technology or protective security
- failure to report or fully disclose an outside activity when this is required.

A22. Ongoing voluntary association with individuals or groups of an extremist nature, that is, those who espouse or promote beliefs incompatible with a liberal democracy.

Conditions that could mitigate security concerns

Mitigating factors may impact one or more areas of concern

A23. The candidate was unaware of the unlawful aims of an individual or organisation and severed ties upon learning of these.

A24. The candidate's involvement was only with the lawful or humanitarian aspects of an organisation such as those referred to in A8.

A25. Involvement in activities of concern occurred for only a short period of time and was attributable to curiosity or academic interest.

A26. The involvement or association with such activities occurred under such unusual circumstances, or so much time has elapsed, that it is unlikely to recur and does not cast doubt on the candidate's current reliability, trustworthiness or loyalty.

A27. The nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the candidate will be placed in a position of having to choose between the interests of a foreign individual, group, organisation, or government and New Zealand's national interest.

A28. There is no conflict of interest, either because the candidate's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the candidate has such deep and longstanding relationships and loyalties in New Zealand that they can be expected to resolve any conflict of interest in favour of New Zealand's national interest.

A29. Contact or communication with foreign citizens is casual and infrequent and there is little likelihood that it could create a risk for foreign influence or exploitation.

A30. The foreign contacts and activities are on New Zealand government business and/or are approved by the departmental security officer.

A31. The candidate has promptly complied with agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organisations from a foreign country.

A32. The value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used to influence, manipulate, or pressure the candidate.

A33. Where reasons for possession or acquisition of dual or multiple citizenships are not a security concern, including, but not limited to:

- dual or multiple citizenship is based solely on parents' citizenship or birth in a foreign country
- marriage
- convenience of travel.

A34. The candidate is able to articulate a primary loyalty to New Zealand over any other country.

A35. Exercise of the rights, privileges, or obligations of foreign citizenship occurred before the candidate became a New Zealand citizen or when the candidate was a minor.

A36. The use of a foreign passport is approved by the departmental security officer.

A37. The foreign passport has been destroyed, surrendered, or otherwise invalidated.

A38. The participation in a foreign election was encouraged by the New Zealand government.

Guideline B – Personal relationships and conduct

The concerns

B1. Conduct involving questionable judgment, dishonesty, or an unwillingness to comply with rules and regulations can raise questions about the candidate's reliability, trustworthiness and ability to protect protectively marked information.

B2. Of special interest is any failure to provide truthful and candid answers during the security vetting process or any other failure to cooperate with the security vetting process.

The following will normally result in an adverse recommendation for a national security clearance or termination of further consideration for a security vetting assessment:

- refusal, or failure without reasonable cause, to undergo or cooperate with the security vetting process, including but not limited to meeting with a vetting officer for a security interview, completing security and/or consent forms and cooperation with supplementary evaluations and periodic reviews
- refusal or failure to provide full, frank and truthful answers to relevant questions from a vetting officer, or other official representatives in connection with a security vetting.

B3. Sexual behaviour that involves a criminal offence, indicates a personality or emotional disorder, reflects a gross lack of judgment or discretion, or which may subject the candidate to undue influence or coercion, exploitation or duress can raise questions about the candidate's reliability, trustworthiness and maturity.

B4. Sexual orientation or preference may not be used as a basis for, or a disqualifying factor in, assessing a candidate's suitability for a national security clearance.

Conditions that could raise a security concern and may be disqualifying

B5. Deliberate omission, concealment, or falsification of relevant facts when completing any personnel security questionnaire, personal history statement, or similar form used to determine national security clearance suitability or providing false or misleading information to vetting officers or other staff involved in the security vetting process.

B6. Credible adverse information in several adjudicative areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a

whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candour, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard official information.

B7. Credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable loyalty, trustworthiness, honesty, maturity, or vulnerability to coercion or influence.

This includes but is not limited to consideration of:

- untrustworthy or unreliable behaviour including breach of client confidentiality, release of proprietary information, unauthorised release of sensitive corporate or other official government information
- disruptive, violent, or other inappropriate behaviour in the workplace
- a pattern of dishonesty or rule violations
- evidence of significant misuse of government or other employer's time or resources.

B8. Sexual behaviour of a criminal nature, whether or not the candidate has been prosecuted.

B9. A pattern of compulsive, self-destructive, or high-risk sexual behaviour that the person is unable to stop or that may be symptomatic of a personality disorder.

B10. Sexual behaviour that causes the candidate to be vulnerable to coercion, exploitation, or duress (refer to Guideline G).

B11. Personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation or duress such as:

- engaging in activities which, if known, may affect the person's personal, professional, or community standing
- while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in New Zealand and may serve as a basis for exploitation or pressure by the foreign
- security or intelligence service or other group.

B12. Violation of a written or recorded commitment made by the candidate to the employer as a condition of employment.

B13. Association with persons involved in criminal activity.

Conditions that could mitigate security concerns

Mitigating factors may impact one or more areas of concern

B14. The behaviour occurred prior to or during adolescence and there is no evidence of subsequent conduct of a similar nature.

B15. The behaviour no longer serves as a basis for coercion, exploitation, or influence.

B16. The candidate made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts.

B17. The refusal or failure to cooperate, omission, or concealment was caused by or associated with improper or inadequate advice of government officers or legal counsel.

Upon being made aware of the requirement to cooperate or provide the information, the candidate cooperated fully and truthfully.

B18. The behaviour or offence is so minor, or so much time has passed, or the behaviour is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the candidate's current reliability, trustworthiness, or good judgment.

B19. The candidate has acknowledged the behaviour and obtained counselling to change the behaviour or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behaviour.

There is evidence that this treatment has been effective and such behaviour is unlikely to recur.

B20. The candidate has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.

B21. The information was unsubstantiated or from a source of questionable reliability.

B22. Association with persons involved in criminal activity has ceased or occurs under circumstances that do not cast doubt upon the candidate's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Note: The assessing officer should also consider the guidelines pertaining to criminal conduct (Guideline E) or mental health disorders (Guideline G), in determining how to resolve any security concerns raised by sexual behaviour.

Guideline C - Financial considerations

The concerns

C1. Failure or inability to live within one's means, satisfy debts, or meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations.

This may raise questions about a candidate's honesty, trustworthiness, maturity, and vulnerability to coercion or influence.

C2. A candidate who is financially overextended may be at a heightened risk of engaging in illegal acts including espionage to generate funds.

This risk is further heightened if the financial difficulties have arisen from compulsive behaviour, for example, gambling.

C3. Unwillingness to pay debts where means are available may indicate untrustworthiness or lack of conscience regarding obligations.

C4. Affluence that cannot be explained by known sources of income is also a concern as it may indicate proceeds from criminal conduct.

Conditions that could raise a security concern and may be disqualifying

C5. Inability or unwillingness to satisfy debts.

C6. Indebtedness caused by frivolous or irresponsible spending and the absence of any evidence of willingness or intent to pay the debt or establish a realistic plan to pay the debt.

C7. A history of not meeting financial obligations, including any record of bankruptcy, No Asset Procedure, defaulting on payments or the service of collection notices.

C8. Deceptive or illegal financial practices such as embezzlement, theft, fraud, tax evasion or other intentional breaches of trust.

C9. Consistent spending beyond one's means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis.

C10. Financial problems that are linked to drug abuse, alcoholism, gambling addiction, or other matters indicating compulsive behaviour or emotional or psychological instability that may have implications for the candidate's maturity, trustworthiness and vulnerability to coercion or influence (refer to Guidelines D and G).

C11. Repeated failure to meet New Zealand taxation obligations.

C12. Unexplained affluence, as shown by a lifestyle or standard of living, increase in net worth, or money transfers that cannot be explained by the candidate's known legal sources of income.

C13. Compulsive or addictive gambling as indicated by an unsuccessful attempt to stop gambling, 'chasing losses' (that is, increasing the bets or returning another day in an effort to get even), concealment of gambling losses, borrowing money to fund gambling or pay gambling debts, family conflict or other problems caused by gambling.

Conditions that could mitigate security concerns

Mitigating factors may impact one or more areas of concern

C14. The behaviour happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the candidate's current reliability, trustworthiness, or good judgment.

C15. The conditions that resulted in the financial problem were largely beyond the candidate's control (for example, loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the candidate acted responsibly.

C16. The candidate has received or is receiving counselling for the problem and/or there are clear indications that the problem is being resolved and/or is under control.

C17. The candidate initiated good-faith efforts to repay overdue creditors or otherwise resolve debts.

C18. The candidate has a reasonable basis to dispute the legitimacy of the debt and provides evidence of actions to resolve the issue.

C19. The affluence was the result of a legal source of income.

Guideline D - Alcohol and drug use

The concerns

D1. Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about a candidate's reliability and trustworthiness and ability to maintain discretion.

D2. Use of illegal drugs or misuse of prescription drugs can raise questions about a candidate's trustworthiness and honesty, both because it may impair judgment and because it raises questions about a person's ability or willingness to comply with laws, rules and regulations.

Use of illegal drugs or misuse of prescription drugs may also make the candidate vulnerable to coercion or other adverse influence or pressure.

D3. Drugs are mood and behaviour altering substances and include, but are not limited to, drugs, materials, and other chemical compounds identified and listed in the Schedules of the Misuse of Drugs Act 1975, inhalants and other similar substances.

D4. Drug abuse is the use of an illegal drug, or use of a legal drug in a manner that deviates from approved medical direction.

Conditions that could raise a security concern and may be disqualifying

D5. Alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, other domestic violence, disturbing the peace, or other incidents of concern, regardless of whether the candidate has been diagnosed as an alcohol abuser or alcohol dependent.

D6. Alcohol-related incidents at work, such as reporting for duty in an intoxicated or impaired condition, or excessive drinking while at work.

D7. Habitual or binge consumption of alcohol to the point of impaired judgment.

D8. Diagnosis by a duly qualified medical professional (for example, physician, clinical psychologist, or psychiatrist) of alcohol, or drug abuse or dependence.

D9. Identification of alcohol or drug abuse or dependence by an accredited clinical social worker who is a staff member of a recognised alcohol or drug treatment programme.

D10. Relapse after diagnosis of alcohol or drug abuse or dependence and completion of an alcohol or drug rehabilitation programme.

D11. Criminal charges relating to alcohol or drug abuse or possession.

D12. Failure to follow any court order regarding alcohol or drug education, evaluation, treatment, or abstinence.

D13. Any drug abuse (see item D4).

D14. Testing positive for illegal drug use.

D15. Illegal drug possession, including cultivation, processing, manufacture, purchase, sale or distribution or possession of drug paraphernalia.

D16. Expressed intent to continue illegal drug use or failure to clearly and convincingly commit to discontinue drug use.

Conditions that could mitigate security concerns

Mitigating factors may impact one or more areas of concern

D17. So much time has passed, or the behaviour was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the candidate's current reliability, trustworthiness or good judgment.

D18. The candidate is participating in an alcohol counselling or treatment programme, has no history of previous treatment and relapse and is making satisfactory progress.

D19. The candidate acknowledges his or her alcohol dependence or abuse and has successfully:

- completed inpatient or outpatient alcohol counselling or rehabilitation along with any required aftercare
- demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations such as adherence to a programme such as Alcoholics Anonymous or a similar organisation
- received a favourable prognosis by a duly qualified medical professional or an accredited clinical social worker who is a staff member of a recognised alcohol treatment programme.

D20. A demonstrated intent not to abuse any drugs in the future such as:

- disassociation from drug-using associates and contacts
- changing or avoiding the environment where drugs were used

- an appropriate period of abstinence
- a signed statement of intent with automatic review for cause for any violation.

D21. Abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed and the abuse has since ended.

D22. Satisfactory completion of a prescribed drug treatment programme, including but not limited to, rehabilitation and aftercare requirements, without recurrence of abuse, and a favourable prognosis by a duly qualified medical professional or an accredited clinical social worker who is a staff member of a recognised drug treatment programme.

Guideline E - Criminal history and conduct

The concerns

E1. Criminal behaviour creates doubt about a person's judgment, reliability, trustworthiness, maturity and honesty.

By its very nature, it calls into question a person's integrity and his or her ability or willingness to comply with laws, rules and regulations.

Conditions that could raise a security concern and may be disqualifying

E2. A criminal offence, or multiple lesser offences, or a conviction in a New Zealand or foreign court, including a military court-martial, for a crime.

E3. Discharge or dismissal from the New Zealand Defence Force or New Zealand Police for misconduct.

E4. Credible allegation, information, intelligence or admission of criminal conduct, regardless of whether the candidate was formally charged, formally prosecuted or convicted.

E5. The candidate is currently on parole or probation.

E6. Violation of parole or probation, or failure to complete a court-mandated rehabilitation programme.

E7. Voluntary association with criminals.

Conditions that could mitigate security concerns

Mitigating factors may impact one or more areas of concern

E8. So much time has elapsed since the criminal behaviour happened, or it happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the candidate's reliability, honesty, trustworthiness or good judgment.

E9. The person was pressured or coerced into committing the act and those pressures are no longer present in the person's life.

E10. Persuasive evidence that the person did not commit the offence or the conviction for the offence was subsequently overturned.

E11. There is evidence of successful rehabilitation including but not limited to the passage of time without recurrence of criminal activity, evidence of remorse or restitution, job training or higher education, good employment record or constructive community involvement.

E12. The offending was of such a minor or regulatory nature that it is not of security concern.

Guideline F - Security violations

The concerns

F1. Deliberate or negligent failure to comply with procedures, rules and regulations for protecting national classified or other proprietary, personal, protected or sensitive information, including on Information and Communications Technology (ICT) systems, raises doubt about a candidate's trustworthiness, judgment, reliability, or willingness and ability to safeguard such information and is a serious security concern.

F2. ICT systems include all related computer hardware, software, firmware, and data used for the communication, transmission, processing, manipulation, storage, or protection of protectively marked information.

Conditions that could raise a security concern and may be disqualifying

F3. Having unauthorised access to official or personal information and using it in the following ways:

- viewing
- disclosure
- collecting
- storing
- handling
- destruction
- manipulation
- modification.

F4. Deliberate disregard of agency procedures or guidelines for the handling, use and storage of official or personal information.

F5. Copying official or personal information in a manner designed to conceal or remove classification or other protective markings.

F6. Viewing or downloading information from a secure system beyond the candidate's need-to-know.

F7. Any failure to comply with rules for the protection of national classified or other sensitive information.

F8. Negligence or lax security habits that persist despite counselling by management.

F9. Failure to comply with rules or regulations that results in damage to national security, regardless of whether it was deliberate or negligent.

F10. Access to ICT information, software, firmware or hardware that is illegal or unauthorised, including:

- entry into any ICT system
- modification
- destruction
- manipulation
- denial of access.

F11. Use of any ICT system to gain unauthorised access to another system or to a compartmented area within the same system.

F12. Downloading, storing, or transmitting protectively marked information on or to any unauthorised software, hardware or ICT system.

F13. Unauthorised use of a government or other ICT system.

F14. Introduction, removal, or duplication of hardware, firmware, software or media to or from any ICT system without authorisation, when prohibited by rules, procedures, guidelines or regulations.

F15. Any misuse of ICT, whether deliberate or negligent, that results in damage to national security.

Note: Misuse of both Government and privately owned ICT systems are of concern.

Conditions that could mitigate security concerns

Mitigating factors may impact one or more areas of concern

F16. So much time has elapsed since the behaviour, or it has happened so infrequently or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the candidate's current reliability, honesty, trustworthiness, or good judgement.

F17. The candidate responded favourably to counselling or remedial security training and now demonstrates a positive attitude toward the discharge of his or her security responsibilities.

F18. The security violations were due to improper or inadequate training.

F19. The misuse was minor and done only in the interest of a bona fide emergency or operational imperative when no other timely alternative was readily available.

F20. The conduct was unintentional or inadvertent and was followed by a prompt, good-faith effort to correct the situation and notify a supervisor.

Guideline G - Mental health issues

The concerns

G1. Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline.

G2. A duly qualified mental health professional (for example, clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the agency, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline.

Conditions that could raise a security concern and may be disqualifying

G3. Behaviour that casts doubt on a candidate's judgment, reliability or trustworthiness that is not covered under any other guideline, including but not limited to emotionally unstable, irresponsible, dysfunctional, violent, paranoid or bizarre behaviour.

G4. An opinion by a duly qualified mental health professional that the candidate has a condition not covered under any other guideline that may impair judgment, reliability or trustworthiness.

G5. The candidate has failed to follow treatment advice related to a diagnosed emotional, mental, or personality condition, for example, failure to take prescribed medication.

G6. No negative inference concerning the candidate may be raised solely based on their having sought mental health counselling.

Conditions that could mitigate security concerns

Mitigating factors may impact one or more areas of concern

G7. The identified condition is readily controllable with treatment, and the candidate has demonstrated on-going and consistent compliance with the treatment plan.

G8. The candidate has voluntarily entered a counselling or treatment programme for a condition that is amenable to treatment, and the candidate is currently receiving counselling or treatment with a favourable prognosis by a duly qualified mental health professional.

G9. Recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by the agency seeking the vetting that a candidate's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation.

G10. The past emotional instability was a temporary condition (for example, one caused by death, illness, or marital break-up), the situation has been resolved, and the candidate no longer shows indications of emotional instability.

G11. There is no indication of a current problem.

Appendix C: Procedural Fairness

This section explains procedural fairness for security vetting candidates - your right to a fair process.

When you're a candidate for a security clearance, you have the right to be treated fairly. To make sure the vetting process is fair, the NZSIS will:

- be thorough and objective when they gather and assess information about you
- tell you if they find information that is concerning and give you a chance to respond
- be clear and objective when they give their final recommendation to your sponsoring agency.

You can expect the NZSIS to be thorough and objective

To achieve a fair outcome and protect your organisation's assets, the NZSIS must be thorough and objective when they vet you.

What being thorough means

To be thorough, the NZSIS must take all reasonable steps to get information that is relevant to your application, if it's available. If they don't have enough information or they're concerned about anything they find, they must take steps to get more information. Those steps could include asking for:

- records or statements from your employers
- an expert opinion to understand an issue better.

Making sure information is reliable, accurate, and up to date

They need reliable, accurate, and up to date information to assess your application thoroughly.

When information is missing or not available, they must try and fill the gaps. That might mean asking for a formal statement from an employer or asking you to help piece together information.

For each bit of information the NZSIS gathers, they need to know if it is reliable and up to date. If they've got any doubts or unanswered questions, they must try to get the details they need.

If they can't confirm that the information is reliable and accurate, they can't use it. When they ask for information, they must:

- request it formally — it must be documented. This might be by email.
- ask the right people — people who have the authority to provide the information.

For example, if they need information from an employer, they'll request it formally.

What being objective means

Being objective means the NZSIS can't rely on opinions, impressions, or interpretations — they must seek facts. Their objectivity helps to protect you from discrimination.

Checking and verifying information

During the vetting process, the NZSIS must check and verify all the information they receive.

For example, if a referee gives a negative opinion, the NZSIS won't include that opinion in their assessment unless there are facts to back it up. The same rule applies to positive statements. If a referee shares positive impressions, the NZSIS must still verify the information. They also can't rely on a referee's status or reputation.

To be fair to vetting candidates and uphold security, the NZSIS must be unbiased.

Making sure expert views are well-informed, reasoned, and relevant

If an issue comes up during vetting and the NZSIS are not expert in that area, they must get a qualified expert to give their view.

For example, if a complex financial issue came up, the NZSIS would ask a financial expert for their view.

Expert advice has to be well-informed, reasoned, and relevant to security vetting before it can be included. Experts must:

- have access to all the relevant information that the NZSIS has found
- say which information and criteria they've used to form their views
- explain how their views relate to the NZSIS's security risk criteria.

Expert views must only be used to assess security risks — not for any other purpose.

You have the right to respond to any concerns the NZSIS has

If the NZSIS is concerned about any information they find during the vetting process, they must tell you and give you the chance to respond.

You have the right to see information they're concerned about

You usually have the right to see any information the NZSIS is concerned about and their assessment of the security risks. In rare cases, they can withhold information. For example, if revealing the information or source would threaten national security or someone's personal safety. Even then, the NZSIS must give you access to as much information as possible.

You have the right to respond, be represented, and present more information

You must be given enough time to respond to any information that might have a negative effect on your application for a security clearance. Normally you will have 10 working days to respond. You can respond in person, in writing, or through a representative, such as a lawyer. You have the right to present more information if you think it's relevant.

If the NZSIS has used an expert view in their assessment, you have the right to get a different expert to give their view.

The NZSIS must assess your response thoroughly and fairly

The NZSIS must assess your response carefully and with an open mind. If your response includes new information, they must investigate it.

If you raise legal objections or new points from an expert, the NZSIS must seek legal or expert help to consider your response properly.

If any expert information you provide is not complete or doesn't address security criteria, the NZSIS must let you know and give you the chance to fill those gaps.

If two experts reach different views, the NZSIS assesses each view, considering:

- the level of expertise each expert has
- the thoroughness of each expert assessment
- the connection between each expert view and any security risk.

The NZSIS must also tell you about any conflicting views from experts and give you a chance to respond. If the NZSIS finds any new information that could have a negative effect on your application, you'll again have the chance to respond.

You can expect the NZSIS's final recommendation to be clear and objective

The NZSIS assesses all the verified information they get about you against their security criteria. Then they decide whether to recommend you for a security clearance or not.

Their final recommendation to your sponsoring agency must say:

- how they've assessed the information about you against security criteria
- what conclusions they reached
- which facts they've based their assessments on.

They must also note and explain any information that is contradictory or has been ruled out. If you responded to any concerns raised during the vetting process, the final recommendation should explain whether your response has been accepted or rejected, and why.

Complaints

If you have been adversely affected by any act, omission, practice, policy or procedure of the NZSIS, you have the statutory right to make a complaint to the Inspector-General of Intelligence and Security.

Complaints must be made in writing and addressed to:

Inspector General of Intelligence and Security

c/- the Registrar of the High Court at Wellington
DX SX 11199
Wellington

More information is available at the [Inspector-General of Intelligence and Security](#) website.