



GOVERNMENT
COMMUNICATIONS
SECURITY BUREAU
TE TIRA TIAKI

Telecommunication (Interception Capability and Security) Act 2013

Notice of Exemption from Notification Requirements under Section 48 of the Telecommunication (Interception Capability and Security) Act 2013

1. Section 49(1) of the Telecommunications (Interception Capability and Security) Act 2013 provides that:

The Director may, by written notice, exempt a network operator or a class of network operators from any of the requirements in section 46(1) or 48 if the Director is satisfied that the matter to which the exemption relates will not give rise to a network security risk.

2. I have considered the exemptions listed in this notice, and I am satisfied that the matters to which the exemptions relate will not give rise to a network security risk.
3. These exemptions apply only to the notification requirements on network operators under section 48 of the Telecommunication (Interception Capability and Security) Act 2013.
4. These exemptions apply to all network operators.
5. These exemptions apply from **12 November 2018** and expire on **11 November 2021**.
6. These exemptions may be varied or revoked by further written notice.

A handwritten signature in black ink, appearing to read 'A Hampton', is written over a horizontal line.

Andrew Hampton

Director-General, GCSB

A handwritten date '26/10/18' is written in black ink over a horizontal line.

Date

Exemption 1. Routine changes to networks.

Network Operators are exempt from notifying the Director-General under s 48 of the Act of any routine decision, course of action, or change to the public telecommunications network made as a part of the on-going maintenance, support, and day-to-day running of the network to ensure its availability.

A routine decision, course of action, or change is a decision, course of action, or change that will not:

- (a) alter the architecture of the network; or
- (b) change the effective ownership, control, oversight, or supervision of any equipment, system, or service within an area of specified security interest; or
- (c) change the overall capabilities or functions of the equipment, systems or services, or introduce new functionality.

This exemption includes:

- replacement of existing equipment, systems, or services with the same make (and model, if appropriate) of the equipment, system, or service, and providing the same functionality, and to perform the same functions;
- patching, software or firmware version updates;
- changes in configuration;
- platform redeployment;
- changes that augment or optimise existing equipment or services;
- changes to the equipment, systems or services which supply infrastructure support such as power, air conditioning, and fire suppression systems,
- equipment, systems or services connected to the network and used in generic office management (such as office supplies, printers, fax machines, desktop computers or thin clients, screens);
- changes to routing within the network.

Exemption 2. Standard builds and bulk changes.

Network Operators are exempt from notifying the Director-General under s 48 of the Act of any second, or later, application of a standard build or bulk change which has been previously notified to GCSB under s 48, provided:

- (a) the notification expressly identified that the decision, course of action, or change was part of a standard build or bulk change, and the change is within the scope of the standard build or bulk change (including functionality and areas of deployment) previously described;
- (b) no network security risk was raised by the decision, course of action, or change, or a mitigation proposal was accepted by the Director-General and will apply to proposed second or later application of the standard build or bulk change; and

- (c) the equipment, system, or service is the same as that previously notified in terms of network function and functionality.

For the avoidance of doubt, any change to what was notified as a standard build or bulk change (including changes because of deploying the change/build in a certain different location or for a different function) must be notified to the GCSB under s 48 of the Act.

Exemption 3. Emergency changes.

Network Operators are exempt from complying with s48(2) of the Act for any accelerated business change process that, as a result of an emergency event that has or may cause a network outage or other compromise of network services, must be made on short notice to maintain the confidentiality, availability, or integrity of the public telecommunications network, or any service or product that operates on that network, provided:

- (a) the network operator advises the GCSB of the emergency change as soon as practicable after the change is made;
- (b) the network operator notifies the Director-General in accordance with s 48(1) of the Act within 20 working days of the decision to undertake the accelerated business change process.

For the avoidance of doubt, if the Network Operator is notified under s 51 of the Act that the decision, course of action, or change raises a network security risk, the Network Operator must:

- provide a mitigation proposal in accordance with s 51(3) of the Act as soon as practicable; and
- implement any accepted proposal or part thereof in accordance with s 53 of the Act, or any direction made by the Minister under s 57 of the Act.

