

CLASS EXEMPTION (Co1)

6 Month Notification for Network Operators with fewer than 4,000 Customers

Pursuant to Section 29(1)(b) of the Telecommunications (Interception Capability & Security) Act 2013, the designated officer has granted a class exemption from section 13(1)(d): the administrative requirement to report to the Registrar every six months on the number of their customers.

Section 13 allows that network operators with fewer than 4000 customers may be intercept ready instead of fully intercept capable. This applies if the network operator:

- (a) makes and keeps a record of the number of customers it has each month; and
- (b) has an average of fewer than 4000 customer over a 6-month period; and
- (c) has made and kept this customer record for each month of the 6-month period; and
- (d) has notified the Registrar within 10 days after the last day of the 6-month period of the matters described above.

The class exemption is specifically in relation to section 13(1)(d) only: the administrative requirement to report to the Registrar every 6 months on the number of customers that the network operator has.

The designated officer considers that this requirement can be effectively met through the annual registration updates in November (section 69) without the requirement for the 6-month notification.

If an intercept ready network operator should maintain an average of 4,000 or more customers over a 6 month period, this constitutes a threshold change requiring notification under section 68(3) within 10 days.

This class exemption does not exempt a network operation from any of the other requirements of section 13. In order to continue to comply with the threshold duty of 'intercept ready', a network operator must continue to make and keep a record of the number of customers each month; and continue to maintain an average of fewer than 4,000 customers per month.

This class exemption has been granted after consultation with industry and liaison with New Zealand's surveillance agencies.

The duration of this Class Exemption is granted until 1 November 2020.



Paul Berry

Detective Inspector

Registrar: Telecommunications (Interception Capability and Security) Act 2013.

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