**Media release**

April 2018

**Investigating the written and unwritten laws of encryption**

University of Waikato researchers are investigating the written and unwritten laws and rules that apply to encryption as part of a research study funded by the New Zealand Law Foundation.

There is a common belief that encryption is largely unregulated. But based on their preliminary findings, researchers Dr Michael Dizon, Associate Professor Ryan Ko and Associate Professor Wayne Rumbles have found that there are a number of specific laws, technical policies, and social practices that control how encryption is actually accessed and used.

Examples of laws pertinent to encryption include the Search and Surveillance Act 2012, New Zealand Bill of Rights Act 1990, Telecommunications (Interception Capability and Security) Act 2013, Privacy Act 1993, Intelligence and Security Act 2017, the Customs and Excise Act 1996, and the Films, Videos, and Publications Classification Act 1993. These laws mainly concern searches, seizures, surveillance and interception of stored data and communications.

However, in addition to these laws, the researchers are also discovering the technical principles and social practices of people who use encryption. Based on initial interviews with various stakeholders, including members of the general public and businesses, it appears that people adhere to specific principles and customs in relation to encryption. For example, while the use of encryption is not legally mandated, the general trend now is for businesses to provide or use information technology products and services that are encrypted by default. Furthermore, the values of information security and privacy are extremely important considerations why people use encryption.

The researchers believe that comprehending the applicable laws as well as the technical principles and social practices that people conform to is necessary in order to properly deal with the legal, social and technical issues raised by encryption.

The research is funded by the New Zealand Law Foundation’s [Information Law and Policy Project (ILAPP)](https://www.lawfoundation.org.nz/?page_id=7029), which is intended to explore and develop law and policy to help New Zealand adapt to future changes in the information age.

**Contact:** Eileen Cameron 0275511821 or eileen.cameron@waikato.ac.nz