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**Law Enforcement Hack-back in New Zealand:**

**Central research question:**

**Is there a benefit to legalising Law Enforcement to  
hack-back in New Zealand?**

A thesis

in partial fulfilment

of the requirements for the degree

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## Abstract

The Internet brings New Zealand closer to the world, but with this benefit comes increased dependency on its benefits of real time connectivity for individuals, organisations, and Government. The downside to this global communication is the increase in cyber-attacks and the ease a cyber-attacker has in hiding their true identity.

These digital crimes are costing the worldwide economy billions of dollars which has prompted Governments all around the world into taking measures to implement cyber security strategies. While these strategies are passive in nature, they are proving to be of limited effect in addressing these threats to a State economy.

In New Zealand the Minister of Communications in a press release in 2016, stated that “*Cyber-crime cost the New Zealand economy \$257 million*”. Granted that the cyber-crime cost figure is a few years old, but, if compared to 2019, It would be fair to say that the cost of cybercrime to the New Zealand economy would be double the figure today, in the region of \$500 million based on the exponential growth of the use of the Internet where 90 percent of New Zealanders are now using the Internet based on recent statistics provided by the Government.

This thesis focuses on legalising Law Enforcement hack-back, with recommendations on law reform to existing law, guidelines and safeguards for its implementation. Law Enforcement hack-back is effectively a form of a digital counterstrike against a cyber-attacker and with the use of traceback this allows Law Enforcement the ability to identify the true TCP/IP address used by the cyber-attacker, once Law Enforcement have identified who the hacker is, they can then be able to prosecute the cyber-attacker based on forensic evidence collected using hack-back.

Why is it important to legalise Law Enforcement hack-back? Referring to the current New Zealand Cyber Security Strategy for 2019 it makes the Governments position crystal clear “*New Zealand must be ready to deter and respond to threats*”.