

Authorised Access to Certain Names and Addresses held on the Motor Vehicle Register

Person: Secure Collections & Investigations Limited

Purpose:

- While conducting an insurance investigation or recovery, to obtain names and addresses of persons registered in respect of vehicles that have been involved in motor vehicle accidents with Secure Collections & Investigation Limited's clients, including any witnesses.
- For the conduct of proceedings before a court or tribunal (being that proceedings that have been commenced or are reasonably in contemplation).
- To assist with the detection and investigation of suspected fraud.
- To assist in the enforcement of Court orders and judgements.
- While acting as a repossession agent or debt collector, to assist in locating a motor vehicle, or recovering a debt in relation to a motor vehicle, where Secure Collections & Investigations Limited has been engaged as an agent by a person who has a security interest in the vehicle.

Term: The authorisation is valid for a period of 5 years commencing 15 December 2021 and ending at midnight on 14 December 2026.

Conditions

The authorisation is subject to the following conditions:

Definitions

authorised access means access or use of information that has been authorised under the terms of this notice

unauthorised access means access or use of information that is not authorised access

Waka Kotahi means the New Zealand Transport Agency

User means Secure Collections & Investigations Limited

Conditions

General

1. The User must only access information for the specified purpose.
2. The information must only be accessed by the User on its own behalf.
3. Information obtained under this authorisation shall not be disclosed to any third party unless such disclosure is necessary to achieve a specified purpose.

Notifying relevant person that their information was accessed

4. The User must notify every person of which they have accessed their personal information from the motor vehicle register that:
 - a. The User obtained their information from the motor vehicle register; and
 - b. The relevant gazette notice under which the User had the authority to do this; and
 - c. What the information was used for; and
 - d. The person can notify the Registrar that they do not wish to have their names and addresses made available under an authorisation under section 241(1).
5. A notification made under clause 4 must be made in writing and a copy of the notification must be kept on record in accordance with clause 14.

Security systems

6. The User must have their own individual username and password to access the motor vehicle register and must not share this information with any other person.

7. The User must have adequate systems and policies in place that prevent unauthorised access from occurring, including to:
 - a. provide security of information technology and data against unauthorised access; and
 - b. ensure the User has completed training that complies with clauses 10 and 11; and
 - c. ensure information accessed from the motor vehicle register is limited to information needed to achieve the specific purpose for which the information is accessed; and
 - d. ensure information is retained no longer than is necessary for the specific purpose for which information is accessed; and
 - e. assist the User to identify unauthorised access, or suspected unauthorised access.

Privacy breaches

8. If the User suspects that unauthorised access has occurred (including by any other person, whether or not acting within the authority of the User), the User must notify Waka Kotahi as soon as practicable but no later than 7 days, after forming a suspicion.
9. If the User finds that unauthorised access has occurred, the User must immediately notify Waka Kotahi. If the unauthorised access is likely to have caused serious harm to any person, then the User must notify both Waka Kotahi and the Privacy Commissioner

Training

10. The User must not access the motor vehicle register unless they have completed training in accessing information in accordance with section 241 and the terms of this notice, or have otherwise made sure they fully understand all relevant legal requirements, including:
 - a. when the User can access information under section 241; and
 - b. how to ensure record keeping requirements are met; and
 - c. how to ensure information that is obtained from the motor vehicle register is protected; and
 - d. when and how to safely destroy information that was obtained from the motor vehicle register; and
 - e. Obligations under the Privacy Act 2020 and information privacy principles, including as set out in learning modules and information made available by the Office of the Privacy Commissioner.
11. The User must complete a refresher training course every 6 to 12 months after the date that they last completed the training course.

Record keeping and auditing

12. The User must keep a record of every time the motor vehicle register is accessed.
13. The record must be kept for a period of at least 18 months from the date of access.
14. The record must include:
 - a. the date the motor vehicle register was accessed; and
 - b. the relevant plate number for the information accessed; and
 - c. the reason the User accessed the information, including an explanation and supporting material establishing that the specific circumstances fell within the specified purpose; and
 - d. a copy of a notification made under clauses 4 and 5.
15. It is not necessary to keep names and addresses obtained from the register as part of the record. Names and addresses should not be kept longer than is necessary to achieve the specified purpose.
16. Records must be made available to Waka Kotahi on request, as soon as practicable but no later than:
 - a. 7 days after the date of the request – if the request is in relation to an incident or suspected incident; or
 - b. 10 working days – if the request is for monitoring or auditing purposes.
17. The User must also provide such information as Waka Kotahi reasonably considers relevant to determining whether and how the User complies with these conditions.

Reporting

18. Every 12 months the User must provide Waka Kotahi with a report, in a form set by Waka Kotahi, containing:
 - a. confirmation that clauses 10 to 14 have been complied with; and
 - b. a record of training that has taken place in accordance with the requirements in clauses 10 and 11 over the last 12 month reporting period; and
 - c. all actions taken in relation to all instances, or suspected instances, of unauthorised access over the last 12 month reporting period.

Fees

19. The User must pay the applicable fees for accessing the motor vehicle register.

Other

20. The User must maintain a current and valid private investigation licence issued by the Privacy Security Personnel Licensing Authority. If the private investigation licence expires or is suspended, is revoked or is otherwise invalid, the User must notify Waka Kotahi and may not access the register until evidence is provided that a valid new licence is in force.
21. If the User or any other person (whether or not acting within the authority of the User) breach any conditions, then Waka Kotahi may immediately suspend or cancel the User's access to personal information on the motor vehicle register (under section 241(6) or (2)).
22. Nothing in this notice affects the User's obligations under the Privacy Act 2020.