

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

Pursuant to section 241 of the Land Transport Act 1998 and my delegated authority, I, Sue Hardiman, Senior Manager, Vehicle and Driver Licensing, authorise the User – for the Specified Purpose, during the Term, and on the Conditions below – to have access to the names and addresses of persons currently registered to motor vehicles:

- Who are currently registered in respect of a motor vehicle; and
- Who have not instructed the Registrar of Motor Vehicles that they do not wish to have their names and addresses made available under section 241(1).

Person (User): Kiwirail Holdings Limited

Purpose(s):

Where the occupant(s) of a motor vehicle have damaged Kiwirail infrastructure/assets

In order for Kiwirail Holdings Limited to:

- Send a letter to the registered person advising them of the damage and requesting payment (including details of possible methods of making payment); or
- Provide the registered person information to debt collection services for the purposes of lawfully collecting the debt

Term: Commencing on 10 June 2022 this notice expires at midnight on 9 June 2027 but may be revoked at any time.

Definitions:

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

notice means the *Gazette* notice providing authorised access under section 241 of the Land Transport Act 1998 to the User

personal information means the names and addresses of persons:

- who are currently registered in respect of a motor vehicle; and
- who have not instructed the Registrar of Motor Vehicles that they do not wish to have their names and addresses made available under section 241(1)

Waka Kotahi means the New Zealand Transport Agency

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

User means Kiwirail Holdings Limited authorised by Waka Kotahi under Section 241 for these terms and conditions

Conditions:

General

1. The User must only access information for the specified purpose.
2. 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 person 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.
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 clauses 12–14.

Security systems

6. Each individual person who can access the motor vehicle register on behalf of the User must be provided with unique and identifiable log-in details that must be used each time the individual person accesses the register. These unique details must not be shared 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 all staff members who use or have access to the motor vehicle register have 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 personal 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, including having individual log-ins under clause 6.

Privacy breaches

8. If the User suspects that unauthorised access has occurred (including by any staff, 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 and the Privacy Commissioner.

Training

10. Staff of the User must not have access to the motor vehicle register unless they have completed training in accessing information in accordance with section 241 and the terms of this notice, including training on:
 - 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. All staff 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 it accesses the motor vehicle register.
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 individual log-in that accessed the motor vehicle register on behalf of the User; and
 - d. the reason the User accessed the information, including an explanation and supporting material establishing that the specific circumstances fell within the specified purpose; and
 - e. A copy of a notification made under clauses 4 and 5.
15. 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.
16. The User must also provide such information as Waka Kotahi reasonably considers relevant to determining whether and how the User complies with these conditions.
17. Names and addresses obtained from the register must not be retained for longer than required to achieve the specified purpose.

Reporting

18. Every 12 months the User must provide Waka Kotahi with a report containing:
 - a. evidence that clauses 12 to 17 have been complied with; and
 - b. a record of staff 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. If the User or any staff (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)).
21. Nothing in this notice affects the User's obligations under the Privacy Act 2020.