

## **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 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:** Towing and Recovery Limited

### **Purpose(s):**

- For verifying the registered person details for a motor vehicle in the lawful possession of Towing and Recovery Limited
- To verify the registered person details for a motor vehicle in which Towing and Recovery Limited has been asked to tow, store or dispose of by the New Zealand Police;
- To check the date change of any change in registered person in relation to a motor vehicle in the lawful possession of Towing and Recovery Limited

In order for Towing and Recovery Limited to:

- Advise the registered person that the vehicle has been towed and its location;
- To notify the registered person prior to disposal of a vehicle they are registered to (or were registered to at the relevant point in time);
- Send an invoice to the registered person requesting payment (including details of possible methods of making payment);
- Provide the registered person information to debt collection services for the purposes of lawfully collecting the debt;
- Send reminder or advisory letters to a registered person of a vehicle Towing and Recovery Limited has lawful possession of

**Term:** Commencing on 18 October 2023, this notice expires at midnight on 17 October 2028 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)

**Specified Purpose** has the meaning given by the notice

**Unauthorised access** means access or use of information that is not authorised access

**User** means Towing and Recovery Limited authorised by Waka Kotahi under Section 241 for these terms and conditions

**Waka Kotahi** means the New Zealand Transport Agency

### **Conditions**

### ***General***

1. The User must only access information for the Specified Purposes.
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.

### ***Statement on access to information***

4. The User must display a general statement (on the User's website or by physical signage on the relevant site) that advises the registered persons of the following:
  - a. That their name and address may be obtained from the motor vehicle register; and
  - b. The relevant gazette notice under which the User is authorised to access the information; and
  - c. The circumstances in which this may occur and what the information will be used for; and
  - d. That any person can notify the Registrar that they do not wish to have their name(s) and address(es) made available under an authorisation.
5. A copy of the general statement displayed in accordance with clause 4 must be kept on record in accordance with clauses 12-16.

### ***Security systems***

6. Each employee of the User who accesses the motor vehicle register must have their own individual username and password 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 measures that:
  - a. Provide security of information technology and data against unauthorised access; and
  - b. Ensure each employee of the User who accesses the motor vehicle register 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 Specified Purpose for which the information is accessed; and
  - d. Ensure information is retained no longer than is necessary for the Specified 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 with the authority of the User), the User must immediately notify Waka Kotahi
9. If the User finds that unauthorised access has occurred, the User must immediately notify both Waka Kotahi and the Privacy Commissioner.

### ***Training***

10. Employees of 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. Employees of 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 identity of the person who accessed the motor vehicle register; and
- c. The relevant plate number for the information accessed; 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
- e. A copy of the general statement required by clause 4

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 any information Waka Kotahi considers reasonably necessary to determine whether and how the User complies with these conditions.

#### ***Reporting***

18. Every 12 months the User must provide Waka Kotahi with a report containing:

- a. Confirmation that clauses 12 to 15 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. 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)).

21. Nothing in this notice affects the User's obligations under the Privacy Act 2020.