

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: BDO Auckland

Purposes:

- To obtain name and address details in respect of motor vehicles identified during a liquidation/receivership for uplift, if they are the property of the liquidated company named on the Notice of Appointment of Liquidators document
- To determine if the registered person of a motor vehicle, where there is reasonable evidence which indicates that the motor vehicle is owned by a company/entity in liquidation or receivership for uplift, is the property of the liquidated company named on the Notice of Appointment of Liquidators document;
- To trace the sale of vehicles that were registered to a company/entity in liquidation or receivership, where ownership is disputed, or registration may have been changed when ownership is disputed in order to recover any sale proceeds;
- To ensure all assets of a company/entity are identified, including vehicles that may have been fraudulently transferred into another person's name or fraudulently sold to another person;
- To enable assets to be insured, and liquidators and receivers to comply with the requirements of the Companies Act 1993 and Receiverships Act 1993;
- To assist with the detection and investigation of suspected fraud in respect of company assets
- To trace assets in fraud investigations;
- Preparing evidence related to criminal offences in fraud investigations;
- To assist in the enforcement of Court orders and judgments, and to provide the registered person information to debt collection services for the purposes of lawfully collecting the debt;
- When acting as a contracted agent on behalf of government agencies with law enforcement functions, to assist in the carrying out of those functions.

Term: Commencing on 10 November 2022, this notice expires at midnight on 9 November 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

Insolvency practitioner has the same meaning as in section 5 of the Insolvency Practitioners Regulation Act 2019, including an insolvent company liquidator or receiver

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)

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

User means BDO Auckland

Waka Kotahi means the New Zealand Transport Agency

Conditions:

General

1. The User must only access information for the specified purpose.
2. 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

3. 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.
4. A copy of the general statement displayed in accordance with clause 3 must be kept on record in accordance with clauses 11-13.

Security systems

5. 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.
6. 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 9 and 10; 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 5.

Privacy breaches

7. 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.
8. If the User finds that unauthorised access has occurred, the User must immediately notify Waka Kotahi and the Privacy Commissioner.

Training

9. 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.
10. 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

11. The User must keep a record of every time it accesses the motor vehicle register.
12. The record must be kept for a period of at least 18 months from the date of access.
13. 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 the general statement required by clause 3.
14. 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.
15. The User must also provide such information as Waka Kotahi reasonably considers relevant to determining whether and how the User complies with these conditions.
16. Names and addresses obtained from the register must not be retained for longer than required to achieve the specified purpose.

Reporting

17. Every 12 months the User must provide Waka Kotahi with a report containing:
- a. evidence that clauses 11 to 16 have been complied with; and
 - b. a record of staff training that has taken place in accordance with the requirements in clauses 9 and 10 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

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

Other

19. 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)).
20. Nothing in this notice affects the User's obligations under the Privacy Act 2020.