

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

Person: Digimotive Limited T/A Autocheck

Purpose(s):

To access personal information from the motor vehicle register to provide to persons (portal users):

- who have been granted their own authorised access to personal information under section 241 of the Act and whose request for personal information from the portal provider complies with that authorised access; or
- who are entitled to the information because their request is for a purpose specified in section 235 of the Act, and Waka Kotahi has given written approval that the request is for a purpose specified in section 235 of the Act.

Term: The authorisation is valid for a period of 5 years commencing 8 April 2022 and ending at midnight on 7 April 2027.

The authorisation is subject to the following conditions:

Definitions

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

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

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)

portal provider means Digimotive Limited T/A Autocheck

portal user has the meaning given by the notice

Specified Purpose has the meaning given by the notice

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

Waka Kotahi means the New Zealand Transport Agency

Conditions

General

1. The portal provider must:
 - a. only access personal information for the Specified Purpose; and
 - b. not access any personal information for its own purpose(s) (unless otherwise provided for in the notice).
2. The portal provider must not provide personal information to a portal user unless the user has provided the portal provider with evidence that the request for information complies with the portal user's authorised access.

For example, evidence of authorised access is provided by reference to the relevant Gazette notice confirming this, and the portal user has explained how the request for information complies with the grounds on which that authorised access has been provided.

Security systems

3. Each person who can access the motor vehicle register on behalf of the portal provider must have unique and identifiable log-in details that must be used each time the person accesses the register. These unique details must not be shared with any other person
4. The portal provider 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 improper access;
- b. ensure all staff members who have access to the motor vehicle register have completed training that complies with clauses 8 and 9 below; and
- c. ensure personal information accessed from the motor vehicle register is limited to the information needed to achieve the purpose of the request; and
- d. ensure no personal information is retained by the portal provider after it has been provided to the user (the portal provider may retain personal information for up to one month to be made available to the same user); and
- e. assist the portal provider to identify unauthorised access, or suspected unauthorised access, by either the portal provider or the portal user (for example, alerts the portal provider of repeated searches on a specific motor vehicle).

Privacy breaches

5. If the portal provider suspects that unauthorised access has occurred, the portal provider must notify Waka Kotahi as soon as practicable and no later than 7 days after becoming aware or forming a suspicion.
6. If the portal provider finds that unauthorised access has occurred, the portal provider 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.
7. To avoid any doubt, clauses 5 and 6, include unauthorised access by
 - a. the portal provider (including any staff, whether or not acting within the authority of the portal provider); or
 - b. the portal user; or
 - c. any other person.

Training

8. Staff must not have access to the motor vehicle register unless they have completed training in accessing personal information in accordance with section 241 and the terms of the notice, including training on:
 - a. when the portal provider can access information under section 241; and
 - b. when the portal provider can supply information to portal users; and
 - c. how to ensure record keeping requirements are met; and
 - d. how to ensure personal information that is obtained from the motor vehicle register is protected; and
 - e. when and how to safely destroy personal information that was obtained from the motor vehicle register.
9. All staff with access 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

10. The portal provider must keep a record of every time the motor vehicle register is accessed.
11. The record must be kept for a period of at least 18 months from the date of access.
12. 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 portal user that accessed the information; and
 - d. the purpose for which the information was accessed; and
 - e. evidence the portal user provided that the request for information complies with the user's authorised access; and
 - f. if the information was accessed for a purpose specified under section 235, a copy of Waka Kotahi's written approval that a section 235 purpose existed.
13. 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.

14. The portal provider must undertake sample audits of its record keeping to check it is keeping records in accordance with clauses 10 to 13.
 - a. Each sample audit should cover a period of 5 consecutive business days (to be chosen at random).
 - b. At least 7 sample audits should be taken every 12 months.
15. When requested, the portal provider must provide records of the sample audits to Waka Kotahi, as soon as practicable but no later than 10 working days after the date of the request.
16. The portal provider must also provide such information as Waka Kotahi reasonably considers relevant to determining whether and how the portal provider complies with these conditions.
17. For clarity, nothing in this notice requires records to include personal information (as this should not be retained by portal providers) unless necessary to show evidence that written approval was provided by Waka Kotahi confirming that the request complied with a section 235 purpose.

Reporting

18. Every 12 months the portal provider must provide Waka Kotahi with a report containing:
 - a. a list of every portal user who has used the portal in the last 12 month reporting period; and
 - b. a record of staff training that has taken place in accordance with the requirements in clauses 8 and 9 over the last 12 month reporting period, including how many staff were trained) and
 - c. a list of all instances, or suspected instances, of unauthorised access over the last 12 month reporting period; and
 - d. all actions taken in relation to those instances, or suspected instances, of unauthorised access.

Fees

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

Other

20. If the portal provider or any staff (whether or not acting within the authority of the portal provider) breaches any conditions, then Waka Kotahi may immediately suspend or cancel the portal provider's access to personal information on the motor vehicle register (under section 241(6) or (2)).
21. Nothing in this notice affects the portal provider's obligations under the Privacy Act 2020.