



11 July 2013

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Dear Richard

**Request made under the Official Information Act 1982**

Thank you for your email of 7 June 2013 requesting information under Official Information Act 1982, regarding the release of motor vehicle registered persons and driver licence holder details.

**Motor Vehicle Register**

Historically the Motor Vehicle Register (MVR) was a public register and the NZ Transport Agency (NZTA) was obliged to release the name and address of a registered person whenever these details were applied for. This meant that there was no visibility as to why details were being released and how they were being used. This concerned the NZTA and many members of the public. On 1 May 2011, the Land Transport Act 1998 (the Act) was amended to significantly restrict access to registered person details.

Section 237 of the Act now permits the release of registered person details where they are required for one of the purposes of the MVR, being enforcement of the law, maintenance of the security of New Zealand, collection of charges imposed or authorised by an enactment and the administration and development of transport law and policy. Further, by also providing that personal information must not be disclosed unless 'the information may be disclosed under an enactment' the Act does not prevent the release of information where it may be released under other legislation including the Official Information Act or the Privacy Act.

The Act also allows the release of registered person details where the applicant has obtained special authorisation from the Secretary for Transport. Before making a decision on such an application, the Secretary is obliged to first consult the Ombudsman, the Privacy Commissioner and the Commissioner of Police.

The opt-out facility does not mean that your information cannot be released. Rather, it is an instruction to the NZTA that you do not wish your information to be disclosed to a person who has been granted an authorisation without first having your privacy interest considered – this is part of the process for considering whether information may be released under the Official Information

Act. The NZTA has a streamlined application process for organisations which have been granted an authorisation and require the details of persons who have 'opted out'. The streamlined process is used for organisations which make a high number of applications for limited reasons, such as enforcement, credit and insurance risks, and to recover unpaid parking fees. Rather than requiring these organisations to repeatedly make individual applications for the same reasons, the NZTA has considered these reasons up front and determined that in some situations the public interest would outweigh the individual's privacy rights. This means when the authorised party applies for the details of an opted out individual for one of the pre-considered reasons, they will receive the information.

More information about this process can be found online at:

[nzta.govt.nz/vehicle/registration-licensing/information-authorised.html](http://nzta.govt.nz/vehicle/registration-licensing/information-authorised.html)

For one off queries, an application must be made via an application for registered person name and address (MR31) form and each application is considered on a case by case basis.

### **Driver Licence Register**

Maintenance of, and access to information from, the register of driver licences is provided for at section 199 of the Land Transport Act 1998.

### **Specific Questions**

Your specific questions and our answers are as follows.

- ***How many MR31 requests (including preapproved electronic requests) to date have been made on persons who have opted out of having their details available on the motor vehicle register?***
- ***Of those requests, how many have resulted in the release of the information?***

We have separated out this question to those requests made through the streamlined approach detailed above and those made individually on an MR31 form in order to provide as much detail as we can.

Between 1 May 2011 (the date the new motor vehicle registration laws took effect) and 24 June 2013 there have been a total of 6,428,277 requests for registered person details via the streamlined process. We are unable to separate out the number of requests made for details about persons who had opted out versus those you had not opted out. The requester is also not made aware whether the registered person has opted out. All of these requests were approved.

Between 1 May 2011 and 24 June 2013 a total of 2959 applications were made via the MR31 process. We are again unable to separate out the number of requests made for details about persons who had opted out verses those you had not opted out. However, we can advise that of these 2959 requests, 1949 were approved for release of details.

- ***How much does NZTA charge companies or individuals to access data from the motor vehicle register?***

Section 237(3)(a) provides that information must not be supplied unless the prescribed fee is paid. The relevant fees are prescribed in Schedule 5 of the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011.

An electronic query for registered person information via the streamlined process with immediate result costs 16 cents. An overnight query for this information costs 2 cents. An application via the MR31 process costs \$15.00.

- ***How much revenue did it generate in the last complete financial year from these activities?***

In the last financial year, fees charged for the streamlined process totalled \$214,570.00 (GST incl.). In the last financial year, fees charged for the MR31 process totalled \$14,670 (GST incl.). Please note that these figures are not the revenue gathered, but rather the statutory fees received.

- ***Does NZTA also provide access to driver's license details?***
- ***If so, to whom, and at what price?***

Section 199 of the Land Transport Act 1998 provides for the maintenance of the register of driver licences. A copy of section 199 is attached for your information.

Subsections 199(4) and (6) provide for the provision of information from the register. Subsection 199(4) provides what information may be provided to a licence-holder or another person who has the licence-holder's consent. Subsection 199(6) provides what information may be provided to any person.

Subsections 199(7) and (8) provide that requests for information may be made and responded to either in writing, or electronically, or orally.

The legislation provides the prescribed fees to be paid for the provision of information. The fees are set in part 9 of the schedule to the Land Transport (Driver Licensing and Driver Testing) Regulations 1999. The current fee for requests for information from the register of driver licences is \$11.10. Where an applicant is contracted to the NZTA in relation to Driver Check (explained further below), reduced fees are charged for electronic transactions (see link provided below).

Access to the Driver Licence Register can be made via a number of channels, such as subscribing to our Driver Check and/or Transport Organisation Register Online (TORO) service or by applying for a Certificate of Particulars. I have detailed each process below.

#### **Driver Check**

All requests to Driver Check require the authorisation of the licence holder. Express consent of the licence holder is a requirement of any subscriber to Driver Check as per the agreement the NZTA



has with the subscriber. It is the responsibility of the subscriber to ensure that they have express consent from the licence holder and that they are able to prove that this consent was given.

The costs for subscribing and accessing information from Driver Check can be viewed online at: [www.nzta.govt.nz/drivercheck/terms-conditions.html](http://www.nzta.govt.nz/drivercheck/terms-conditions.html).

### **TORO**

TORO is an online service that allows Transport Service Licence (TSL) holders to check that only licensed drivers are driving their company vehicles, and to monitor their drivers' licence status and activity.

TORO users can find out:

- what licence classes and endorsements the driver holds
- whether there are any conditions on the driver's licence
- the status of the licence (e.g. whether the driver has been suspended or disqualified from driving, whether their licence has been revoked or has expired)
- if the driver's P endorsement is about to expire
- if a warning letter has been issued because the driver has exceeded 50 demerit points
- if a suspension letter has been issued because the driver has exceeded 100 demerit points.

Before they can find out this information, TORO users must get the written consent of their drivers. There is no charge for this service.

### **Certificate of particulars**

A certificate of particulars is a document that provides details of a person's driver licence. The details included are:

- Classes
- Endorsements
- Conditions
- Issue date of the licence
- Expiry date of the licence
- Status of the licence.

Each application costs \$11.10 and the applicant must include the licence holders full name and date of birth in order for the application to be processed.

A third party can request a certificate of particulars. However, the licence number and issue date will not be released.

- *How much revenue did it generate in the last complete financial year from selling driver license information?*

In the last financial year fees charged for the Driver Check service totalled \$145,854.00 (GST incl.). Please note that this figure is not the revenue gathered, but rather the fees recovered for providing the service.

In the last financial year we had 19,746 requests for certificate of particulars. While a certificate of particulars costs \$11.10, in some instances no fee is charged. Therefore, we are unable to provide an accurate figure.

If you would like to discuss this reply with the NZTA, please contact Andy Knackstedt, National Media Manager, by email to [andrew.knackstedt@nzta.govt.nz](mailto:andrew.knackstedt@nzta.govt.nz) or by phone on (04) 894 6285.

Yours sincerely



**Sue Hardiman**  
Manager, Customer Access  
For Chief Executive

199 *Agency to maintain register of driver licences*

- (1) *The Agency must continue and maintain the national register of all driver licences that was established under section 45 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986.*
- (2) *The national register must show for each driver licence the following information:*
- (a) *The holder's full name, address, gender, date of birth, place of birth (if known to the Agency), and signature:*
  - (b) *The number of the licence:*
  - (c) *the original date of issue of the licence and the date of issue of the current licence:*
  - (d) *The date of expiry of the licence:*
  - (e) *The class or classes of vehicles to which the licence applies:*
  - (f) *Endorsements applying to the licence:*
  - (g) *Any conditions applying to the licence:*
  - (h) *Information about any order of disqualification made against the holder of the licence under this Act or any former enactment:*
  - (i) *Information about any court order under this Act or any former enactment authorising the issue of a limited licence to the holder (if the holder has been disqualified from holding or obtaining a driver licence):*
  - (ia) *information about any court order under this Act authorising the issue of an alcohol interlock licence or zero alcohol licence to the holder:*
  - (j) *Information about any order removing a disqualification imposed on the holder under this Act or any former enactment:*
  - (k) *Information about any suspension of any licence held by the holder or any disqualification from holding or obtaining a licence imposed on the holder under this Act or any former enactment:*
  - (l) *Information about any revocation or suspension of a driver licence entitling the holder to drive a transport service vehicle, or a prohibition placed on the holder from driving any such vehicle, under Part 4A:*
  - (m) *Information about any order of disqualification made against the holder under section 83 of the Criminal Justice Act 1985 or section 124 of the Sentencing Act 2002:*
  - (n) *Information about any revocation or suspension under this Act or any former enactment of any driver licence held by the holder:*
  - (na) *Not in force.*
  - (o) *Photographic images of the holder taken for the purposes of this Act:*
  - (p) *Information about demerit points recorded under this Act or any other enactment against the holder for any offence:*
  - (q) *Organ donor information about the holder.*
- (3) *The national register must also show information identifying whether a person ... is disqualified from holding or obtaining a driver licence.*
- (4) *A person (being the licence holder or another person who obtains the consent of the licence holder) who applies to the Agency and pays the prescribed fee (if any), is entitled to information about the driver licence that is referred to in subsection (2)(b) or (p).*
- (5) *A ... medical practitioner is entitled (without payment of a fee) to information about any driver licence holder referred to in subsection (2)(q).*
- (6) *A person who applies to the Agency and pays the prescribed fee (if any) is entitled to the following information stored in the national register in respect of a person named in the application:*
- (a) *Any information specified in paragraph (d) or paragraph (e) of subsection (2):*
  - (b) *Any information specified in paragraphs (f) to (n) of subsection (2) that is current at the date of the application.*
- (7) *An application under any of subsections (4) to (6)—*
- (a) *May be made in writing or electronically or orally; and*
  - (b) *Must describe the person named with sufficient particularity to enable the Agency to identify the person and the licences concerned.*
- (8) *Information requested under any of subsections (4) to (6) may be given in writing or electronically or orally.*
- Subsections (9) to (11) are to be inserted, as from a date to be appointed by Order in Council, by s 87(6) Human Tissue Act 2008 (2008 No 28). See s 89 of that Act for the commencement of ss 87 and 88 of that Act.*
- (12) *For the purposes of this section, driver licence includes (but is not limited to) an alcohol interlock licence, a zero alcohol licence, and a limited licence.*