

28 February 2017

NZ Transport Agency
Transport Registry Centre
Private Bag 11777
Palmerston North 4442
241applications@transport.govt.nz

Dear Sir/ Madam,

Re: Application for authorised access to Motor vehicle register information

Executive Summary

Thompson & Clark Investigations Ltd (T&C) is a licensed Private Investigation Company (Company number 1287169 / incorporation date 10.04.2003 / Security Licence No 11-009924) which specialises in security risk management for corporate entities, State Owned Enterprises, Government departments and Crown Research Institutes.

Section 9(2)(b)(ii)

T&C clients include:

Section 9(2)(b)(ii)

T&C also does the traditional investigation work as expected of a private investigation company such as Section 9(2)(b)(ii) fraud and criminal investigations.

Our application for access to the motor vehicle register database is outlined in this letter and a payment of \$854.57 has been provided through the bank authority attached.

T&C have previously had an approved application and a new five year term is sought.

Specified purposes

The specified purposes outlined in this application are:

- The detection and investigation of suspected criminal activity including fraud.
- Preparing evidence related to criminal offences.
- Enforcing court orders and judgements
- When acting as a contracted agent on behalf of government agencies with law enforcement functions, to assist with carrying out those functions.
- To identify registered persons of motor vehicles involved in activity likely to impact assets and facilities of T&C clients involved in lawful permitted activity in the oil and gas, energy sector and food supply chain industries.
- With the owner's permission such as during a review of home or corporate security.

Section 57 Land Transport Regulations 2011

The following questions from the regulations have been answered

- A) Thompson and Clark directors are Gavin Shane Clark and Nicolas Guy Thompson.
- B) The company physical address is **Section 9(2)(a)**.
- C) The postal address is PO Box 301775 NSMC, Albany 0752
- D) Preferred email address is: **Section 9(2)(a)** Alternate addresses are **Section 9(2)(a)** and **Section 9(2)(a)**
- E) Yes Thompson & Clark currently access information from the register subject to an earlier authority dated 12 April 2012.

Access will be controlled via **Section 9(2)(b)(ii)** which provides **S 9(2)(b)(ii)** with full user control on who can access NZTA information, and full audit capability to file level.

- F) We use it for the above purposes outlined above under specified purposes namely investigation of criminal activity and the protection of client assets and facilities. The following case studies provide an insight.

(i) **Case Study 1**

Section 9(2)(ba)(i)
[Redacted]
[Redacted]
[Redacted]

Section 9(2)(ba)(i)

[Redacted text block]

[Redacted text block]

- [Redacted list item]
- [Redacted list item]
- [Redacted list item]
- [Redacted list item]

(ii) Case Study 2

Section 9(2)(ba)(i)

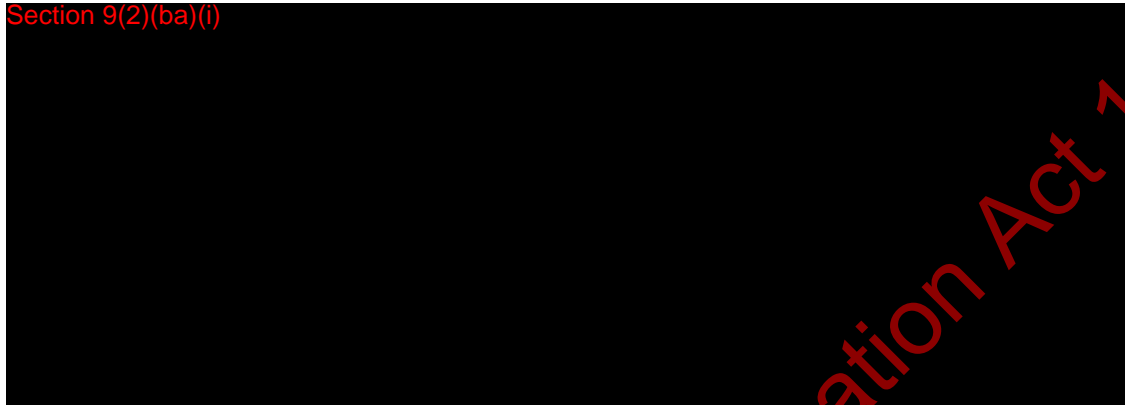
[Redacted text block]

[Redacted text block]

[Redacted text block]

Released Under the Official Information Act 1982

Section 9(2)(ba)(i)



(iii) Case Study 3

Section 9(2)(ba)(i)

[Redacted text]

[Redacted text]

- [Redacted text]
- [Redacted text]
- [Redacted text]
- [Redacted text]

6) T&C intend to use the information to provide relevant advice to clients as to their risk and threat to their assets and infrastructure. This information is crucial to both the maintenance and enforcement of the law.

H) The reasons for not doing the following are outlined in the above case studies:

- (i) **collecting the information directly from the individual concerned**
Investigative techniques rely upon the ability to remain covert, if the individual concerned became aware that they were being investigated this would compromise evidence collection as required for presentation to the police. Therefore it is sometimes necessary to undertake these enquiries without the individual's knowledge.
- (ii) **collecting the information from a source other than the register**
Other sources of relevant information pertaining to the motor vehicle register is limited and the ability to check the register is more cost effective and speedy as often time restraints are crucial to the success of an investigation.
- (iii) **seeking confirmation from the Registrar under section 236(1)(b) of the Land Transport Act 1998 that a specified person is registered in respect of a specified motor vehicle.**
Based upon our previous experience with use of the register we believe that the volume of our access would be such that to make application to the registrar on a case by case basis would be cumbersome and unnecessarily overload the registrar.
- (iv) **asking for the information under the Official Information Act 1982;**
A request under this enactment would alert the subject of the investigation which may be detrimental to the purpose of the investigation as well as delaying the investigation as time frames provided for under the Official Information Act are not practical for our purposes where valuable evidence may be lost through time delays.

I) **Section 9(2)(b)(ii)**
[REDACTED]

T&C use the **Section 9(2)(b)(ii)** to access information from the motor vehicle register. Only two people have access to this register and they are the two **Section 9(2)(b)(ii)** personnel, **Section 9(2)(a)** and **Section 9(2)(a)**.

The T&C **Section 9(2)(b)(ii)** only access, control and disseminate the information.

- J) After the enquiry has been completed and there is no longer any sensitivity around this information we propose to write a letter to the individual concerned and advise them that:
- (i) The register was the source of the information.
 - (ii) The information was used to assist an investigation or provide information for risk management purposes.
 - (iii) That the persons can notify the registrar that they do not wish to have their names and addresses made available under an authorisation.

K) T&C nor its directors have ever been found to have breached any confidentiality obligation.

- L) T&C nor its directors have ever been found in proceedings of any kind to have breached any confidentiality obligation.
- M) Neither director has a credit rating but there has never been any questions as to the credit status of each individual.
- N) We request authorisation for five years.
- O) In respect to employees:
 - (i) Only two people have access to the system as outlined above.
 - (ii) Section 9(2)(a)
 - (iii) Both personnel are Section 9(2)(a) and understand the requirements upon them therefore do not require any specific training. In addition, both employees are well versed in Section 9(2)(b)(i) on-line 'Privacy' and 'NZTA' training modules.
 - (iv) Controls in place include restricted access (only two people) both employees are in long term employment with T&C and are trusted individuals.
 - (v) Any breaches of information handling would result in internal disciplinary action and a review of our processes.
- P) Thompson & Clark Investigations Ltd (T&C) was formed in Auckland, in April 2003 and is New Zealand's leading private investigation and corporate intelligence agency. Although based in Section 9(2)(a) we operate nationally and have a significant client base which is represented by global and local New Zealand Companies, Private Organisations, Government Departments, State Owned Enterprises and Crown Research Institutes.

T&C is operated by its two Directors, Nick Thompson and Gavin Clark. Section 9(2)(a)

[Redacted]

Section 9(2)(b)(i)

[Redacted]

T&C is involved in protection of company assets and personnel and security risk management and services include:

- Investigation, Surveillance, Personal Protection, Security Reviews, Event management and support, Risk Management services, Security framework development, Forensic Analysis and Electronic Counter measures

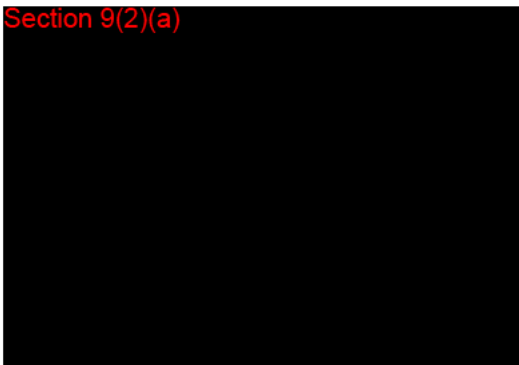
Conclusion

I trust that this application is satisfactory and meets the criteria to enable T&C to have continued access to the motor vehicle register. This application has varied from our previous application as our business has grown we have delegated responsibilities to key personnel as well as expanded our client base.

In order to ensure the continuity of our operation, it would be greatly appreciated if this could be dealt with as soon as possible.

If you have any queries please do not hesitate to contact the writer.

Yours sincerely

Section 9(2)(a)


Released Under the Official Information Act 1982

13 October 2017

Section 9(2)(a)

Thompson & Clark Investigations Limited
Via email: Section 9(2)(a)

Dear S 9(2)(a)

Application for authorisation under section 241 Land Transport Act 1998

You have applied under section 241 of the Land Transport Act 1998 (the Act) for authorisation to access the names and addresses of persons currently registered and held on the motor vehicle register (MVR).

You have sought authorisation for the following purposes-

- the detection and investigation of suspected criminal activity including fraud;
- preparing evidence related to criminal offences;
- enforcing court orders and judgements;
- when acting as a contracted agent on behalf of government agencies with law enforcement functions, to assist with carrying out those functions;
- to identify registered persons of motor vehicles involved in activity likely to impact assets and facilities of Thompson & Clark Investigations Limited clients involved in lawful permitted activity in the oil and gas, energy sector and food supply chain industries; and
- with the owner's permission such as during a review of home or corporate security.

This letter is to inform you of the draft decision on your application. It explains the process followed so far and the next steps before a final decision is made by the NZ Transport Agency.

As part of this process you have the opportunity to comment on the draft decision and, if you disagree with it or any part of it, to request that it be reconsidered in whole or in part.

The principles applied in reaching the draft decision are set out below. The advice we have received from the Privacy Commissioner, the Chief Ombudsman, and the Commissioner of Police (the advising agencies) is also attached.

Draft decision on your application

The draft decision is that Thompson & Clark Investigations Limited be authorised under section 241 of the Act to access the MVR for the following purposes ("specified purposes") -

- preparing evidence related to criminal offences;
- the detection and investigation of suspected fraud;
- enforcing Court orders and judgments; and
- when acting as a contracted agent on behalf of government agencies with law enforcement functions, to assist in carrying out those functions.

Please note that the names and addresses of individuals who have instructed the Transport Agency not to release their details (known as “opting-out”) will not be released to you. If you wish to access names and addresses for any other purpose you will need to apply to the Transport Agency on a case by case basis.

The authorisation (if granted) will be subject to the following conditions –

- (a) the personal information is accessed only by the applicant on its own behalf and solely for its own use;
- (b) the personal information is accessed only for the specified purpose(s);
- (c) the fees charged for the provision of the personal information from the MVR are duly paid;
- (d) any identified instances of unauthorised access are immediately notified to the NZ Transport Agency and Privacy Commissioner;
- (e) before being permitted to access the MVR under section 241 all staff must receive training that emphasises that such access must only be for the specified purposes; and refresher training also must be undertaken at appropriate intervals;
- (f) access must be restricted solely to members of staff for whom authorised access is essential to achieving a specified purpose;
- (g) the personal information obtained under this authorisation shall not be disclosed to any third party unless such disclosure is necessarily incidental to achieving a specified purpose;
- (h) transaction records must be kept for a period of 12 months from the date on which an enquiry was made. Those records need to show date, plate number, and the purpose. Those records are to be provided to the Transport Agency on request, to assist with any audit process;
- (i) compliance with the terms and conditions, if any, imposed by the Transport Agency for access to MVR information; and
- (j) to access the Motor Vehicle Register, Thompson & Clark Investigations Limited must hold a private investigator licence.

The authorisation is valid for a period of 5 years commencing on 21 September 2017 and ending at midnight on 20 September 2022.

Process for considering your application

These steps were followed before advising you of this draft decision-

- (a) your application was considered and commented on by the advising agencies; and
- (b) the application and advice from the advising agencies were then considered by a panel of Transport Agency personnel (the panel) and a draft decision reached.

These further steps will be followed before a final decision is made-

- (a) comment is sought from you on the draft decision;
- (b) any response will be considered by the panel, may be referred back to the advising agencies for further comment, and a final decision letter prepared; and
- (c) the final decision letter will be sent to you when the Transport Agency has approved or declined your application.

It is noted that an authorisation will not provide details of registered persons who have ‘opted-out’ under section 241(7)(b).

Principles applied in considering your application

In making a decision on your application the following principles were applied-

- (a) your intended use of the information. These are the “specified purposes” that you may be authorised to access information for;
- (b) whether access under section 241 is necessary for the intended use; or whether there are other means of access available to you;
- (c) whether your intended use is in the public interest and, if so, whether that outweighs the public interest in maintaining the privacy of personal information held on the MVR; and
- (d) whether any conditions on access are necessary to mitigate privacy concerns.

Applying the principles to the facts of your application

So that you can see how these principles have been applied to your application we attach the advice we received from the advising agencies

Unless we have stated otherwise in this letter, we have agreed with the reasoning and recommendations contained in that advice as the basis of our decision. If we have departed materially from the advice we have noted this in this letter.

Commenting on the draft decision

If you would like to comment on this draft decision please do so in writing by 5pm on 27 October 2017. If we do not hear from you by this date a final decision letter will be sent to you.

Should you have any queries or wish to discuss matters further please contact:

Customer Response Team
NZ Transport Agency
Private Bag 11777
Palmerston North 4442
Email: s241@nzta.govt.nz

Yours sincerely

Charles Ronaldson
General Manager Customer Design and Delivery

Released Under the Official Information Act 1982

Tara Kiriona

From: Section 9(2)(a)
Sent: Monday, 18 September 2017 3:48 p.m.
To: S241
Subject: RE: Section 241 Applications for your Review

Good afternoon Katie,

My comments on these applications, made on behalf of the Chief Ombudsman, are:

1. No complaints, breaches or issues of concern in relation to the standard terms applicants are known.
2. As the remaining applicants are either renewing existing authorisations, or their applications are for purposes that are the same as, or consistent with, other cases where the grant of access has been accepted as warranted, there appears to be no reason why access should not be granted to these applicants on terms and conditions consistent with those other grants.

Kind regards

Section 9(2)(a)

Office of the Ombudsman | Tari o te Kaitiaki Mana Tangata

Phone 04 473 9533 | Fax 04 471 2254

Email [Section 9\(2\)\(a\)](mailto:Section 9(2)(a)@ombudsman.parliament.nz) www.ombudsman.parliament.nz

PO Box 10152, Level 6, SolNet House, 70 The Terrace, Wellington

Ombudsman

Fairness for all

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From: S241 [mailto:S241@nzta.govt.nz]
Sent: Monday, 11 September 2017 3:56 p.m.

Section 9(2)(a)

Cc: S241 <S241@nzta.govt.nz>
Subject: Section 241 Applications for your Review
Importance: High

Good afternoon all,

Please see attached applications and coversheets for each applicant that is being considered for authorised access to the Motor Vehicle Register as non-standard applicant.

Out of scope

2. Thompson and Clark Investigations

Out of scope

In particular we would be interested in your views as to:

- Whether or not the applicant should be granted access;
- The purposes specified for use of the information;
- If the applicant should be granted access, what conditions (if any) should be imposed on the applicant;
- Any other matter relating to the application or the applicant that you consider will inform the NZTA's consideration of the application.

Standard terms applicants are listed below, for these applicants we are interested to hear if you have any complaints, breaches or known issues with these applicants that may be of concern;

Out of scope

For your reference, standard terms for all groups are below; and you can request the full application of the above if you do have any concerns and wish to review it further.

Financial Service Providers (FSP) - <https://gazette.govt.nz/notice/id/2017-au1222>

Motor Vehicle Traders (MVT) - <https://gazette.govt.nz/notice/id/2017-au1223>

Fuel Suppliers (FS) - <https://gazette.govt.nz/notice/id/2017-au1221>

Can you please provide your comments on these applications to S241@nzta.govt.nz by **Thursday 21 August 2017** or earlier if possible.

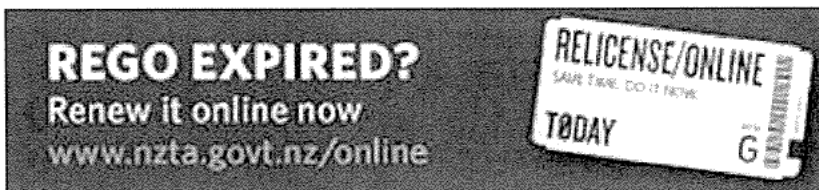
Thank you

Katie Hodson / Manager Customer Response

Customer Service Centre

P 06 9536200 Section 9(2)(a) / E katie.hodson@nzta.govt.nz / W nzta.govt.nz

PALMERSTON NORTH OFFICE / 43 Ashley Street,
Private Bag 11777, Palmerston North 4442, New Zealand



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Tara Kiriona

From: Section 9(2)(a)
Sent: Tuesday, 19 September 2017 10:37 a.m.
To: S241
Subject: RE: Section 241 Applications for your Review
Attachments: Document_2017-09-19_10-33-45-670_ibbu91.pdf

Good morning

Please find attached Police comments relating to the latest batch of s241 applications.

Regards

Section 9(2)(a)



Section 9(2)(a)

Legal Services | New Zealand Police
P +64 4 463 4415 Extn: Section 9(2)(a) M Section 9(2)(a) | E Section 9(2)(a)
Police National Headquarters, 180 Molesworth Street, PO Box 3017, Wellington: www.police.govt.nz

Safer Communities Together

From: S241 [mailto:S241@nzta.govt.nz]
Sent: Tuesday, 12 September 2017 10:52 a.m.
To: Section 9(2)(a)
Subject: FW: Section 241 Applications for your Review
Importance: High

Hi Section 9(2)(a)

Part 2 of my previous email starting at Section 9(2)(a) onwards.

Thank you

Katie Hodson / Manager Customer Response
Customer Service Centre
P 06 9536200 ext Section 9(2)(a) E katie.hodson@nzta.govt.nz / W nzta.govt.nz
PALMERSTON NORTH OFFICE / 43 Ashley Street,
Private Bag 11777, Palmerston North 4442, New Zealand

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TODAY

From: S241
Sent: Monday, 11 September 2017 3:56 p.m.
To: Section 9(2)(a)
Cc: S241
Subject: Section 241 Applications for your Review
Importance: High

Good afternoon all,

Please see attached applications and coversheets for each applicant that is being considered for authorised access to the Motor Vehicle Register as non-standard applicant.

Out of scope

2. Thompson and Clark Investigations

Out of scope

In particular we would be interested in your views as to:

- Whether or not the applicant should be granted access;
- The purposes specified for use of the information;
- If the applicant should be granted access, what conditions (if any) should be imposed on the applicant;
- Any other matter relating to the application or the applicant that you consider will inform the NZTA's consideration of the application.

Standard terms applicants are listed below, for these applicants we are interested to hear if you have any complaints, breaches or known issues with these applicants that may be of concern;

Out of scope

Out of scope

For your reference, standard terms for all groups are below; and you can request the full application of the above if you do have any concerns and wish to review it further.

Financial Service Providers (FSP) - <https://gazette.govt.nz/notice/id/2017-au1222>

Motor Vehicle Traders (MVT) - <https://gazette.govt.nz/notice/id/2017-au1223>

Fuel Suppliers (FS) - <https://gazette.govt.nz/notice/id/2017-au1221>

Can you please provide your comments on these applications to S241@nzta.govt.nz by **Thursday 21 September 2017** or earlier if possible.

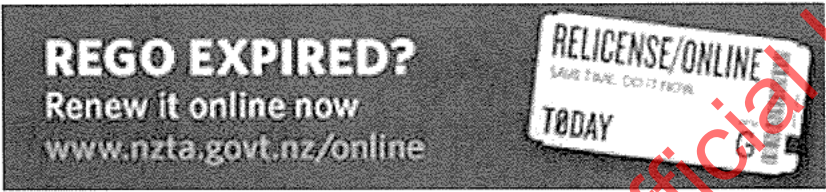
Thank you

Katie Hodson / Manager Customer Response

Customer Service Centre

P 06 9536200 ext [REDACTED] / E katie.hodson@nzta.govt.nz / W nzta.govt.nz

PALMERSTON NORTH OFFICE / 43 Ashley Street,
Private Bag 11777, Palmerston North 4442, New Zealand



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19 September 2017

Katie Hodson
New Zealand Transport Agency
Private Bag 11777
PALMERSTON NORTH 4442

Dear Katie

Section 241 - Applications for access to names and addresses on the Motor Vehicle Register made by the companies & organisations listed below:

Name
Out of scope
Thompson & Clark Investigations
Out of scope

Thank you for consulting with Police in relation to these applications. Police has no specific comments related to this batch of applicants, and make the following general observations:

1. Police's concern about any access to the Motor Vehicle Register is whether there is a risk that the information will be used for criminal purposes.
2. As well as the potential for the individual accessing the Register to misuse the information, Police is also concerned about the potential for

a third party to obtain the information from the agency who has legitimate access.

3. Police therefore propose that any access granted has conditions to safeguard the appropriate use of the information:
 - adequate training of staff;
 - adequate security arrangements to prevent unauthorised access to the information;
 - non-disclosure of personal information to third parties except as necessary for the specified purpose;
 - a record of access to the Register should be maintained with the details of what information is sought, the reason for obtaining the information, the date and time of the access, and any disclosure of the information to a third party.
4. Police note that the comments made in this letter are general, and not intended to imply that Police approves or disapproves of these particular applicants or any employee of the applicant.

Thank you for the opportunity to comment on these applications.

Yours sincerely

Section 9(2)(a)

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Police National Headquarters

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From: Section 9(2)(a)
Sent: Friday, 22 September 2017 9:10 a.m.
To: S241
Subject: Section 241 non-standard applications reviewed

Tēnā koe,

Please find below our review of the eight non-standard section 241 applications sent through for our advice.

For the remaining standard applications we have no concerns.

Out of scope

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Thompson & Clark Investigations

The above applicant seeks renewed access to the MVR for the purpose of investigations involving fraud, the maintenance of law, theft and other criminal activity.

Our advice is that access for this applicant should be allowed for the existing authorised purposes as follows:

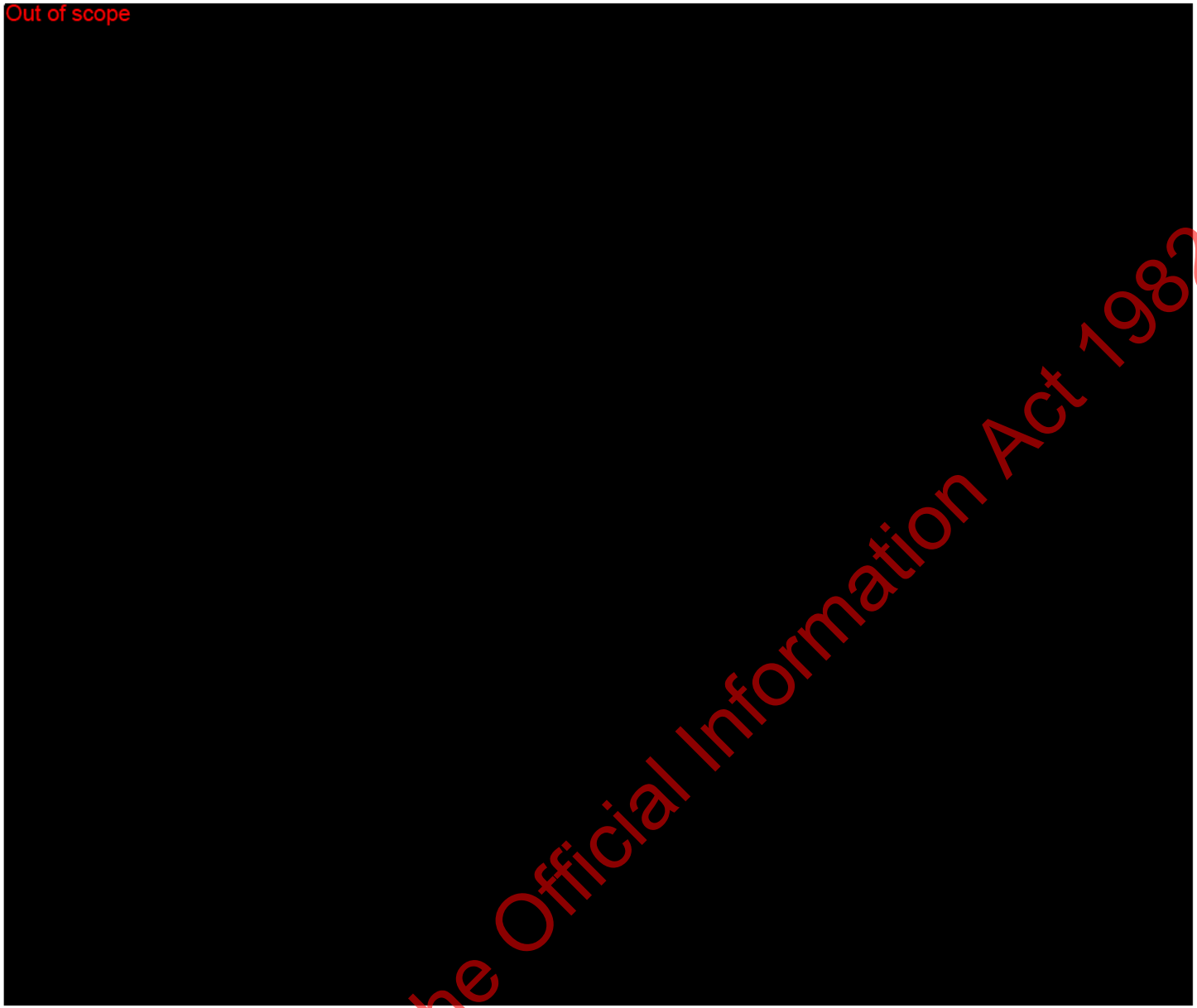
- Preparing evidence related to criminal offences;
- The detection and investigation of suspected fraud;
- Enforcing Court orders and judgments; and
- When acting as a contracted agent on behalf of government agencies with law enforcement functions, to assist in carrying out those functions.

We note that no Privacy Act complaints have been received about the applicant's access to the MVR over the last five years.

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Out of scope





Ngā mihi,

Section 9(2)(a)

Office of the Privacy Commissioner Te Mana Matapono Matatapu
PO Box 10094 | Wellington 6143 | New Zealand
Level 8 | 109-111 Featherston St | Wellington 6011
P +64 4 474 7596 | F +64 4 474 7595 | www.privacy.org.nz
E: For new work, policy@privacy.org.nz. For ongoing work, **Section 9(2)(a)**



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06 April 2018

Thompson & Clark Investigations Limited
PO Box 301775
Albany 0752

Section 9(2)(a)

Application for authorisation under section 241 Land Transport Act 1998

You have applied under section 241 of the Land Transport Act 1998 (the Act) for authorisation to access the names and addresses of persons currently registered and held on the motor vehicle register (MVR).

You have sought authorisation for the following purposes–

- the detection and investigation of suspected criminal activity including fraud;
- preparing evidence related to criminal offences;
- enforcing court orders and judgements;
- when acting as a contracted agent on behalf of government agencies with law enforcement functions, to assist with carrying out those functions;
- to identify registered persons of motor vehicles involved in activity likely to impact assets and facilities of Thompson & Clark Investigations Limited clients involved in lawful permitted activity in the oil and gas, energy sector and food supply chain industries; and
- with the owner's permission such as during a review of home or corporate security.

This letter is to inform you of the decision on your application. The decision is that Thompson & Clark Investigations Limited not be authorised under section 241 of the Act to access the MVR. The NZ Transport Agency apologises for the exceptional length of time taken to reach this decision.

Yours sincerely



Charles Ronaldson
General Manager Customer Design and Delivery

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