

25 July 2018

Paul Hobbs
Reporter
TVNZ
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REF: OIA-3886

Dear Paul

Request made under the Official Information Act 1982

Thank you for your email of 6 June 2018 seeking clarification in respect of Thompson and Clark Investigation Limited's (TCIL) application for authorised access to information in the Motor Vehicle Register.

Your request has been considered under the provisions of the Official Information Act 1982 (the Act). Accordingly, your specific questions and my responses are provided below:

1. When did Thompson and Clark first apply and gain access to the MVR?

Prior to 2012, all section 241 applications were processed by the Ministry of Transport on behalf of the Secretary for Transport. Following their application of 31 March 2011, TCIL was granted section 241 authorisation by the Ministry of Transport on 10 April 2012 and subsequently gained access to the Motor Vehicle Register (MVR) on 19 April 2012.

2. When did that privilege end?

TCIL's right of access to the MVR expired on 28 February 2013. On 19 July 2013, TCIL was granted further authorised access until 30 June 2017.

3. What reasons did Thompson and Clark provide to have their access continued?

The reasons specified for their application submitted on 28 February 2017 are as follows:

- 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 TCIL 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 corporation security.

4. *Why did the NZTA decide not to approve their application?*

Making the information requested available would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information. Therefore, I am refusing this part of your request under section 9(2)(b)(ii) of the Act.

5. *Where did you get the information that helped you make that decision?*

Making this information available would be likely to unreasonably prejudice the maintenance of the law, in particular, the right to a fair trial. Therefore, I am refusing this part of your request under section 6(c) of the Act.

6. *Is your decision final or is the door open for Thompson and Clark to reapply for access to the MVR? If so, what evidence would they need to provide to satisfy any concerns you might have?*

A decision made under section 241 can be challenged in court or by means of an internal review process.

TCIL may lodge a further application for access at any time. The application would be considered in accordance with standard practice. The decision maker is entitled to ask for further information in order to assist him or her in reaching a decision. Whether or not further information is required would depend on the information provided as part of the initial application.

Further information on the application process is available at: <https://nzta.govt.nz/vehicles/how-the-motor-vehicle-register-affects-you/authorised-access-to-the-register>.

7. *Can you please provide us with copies of all communications between NZTA and Thompson and Clark in this matter.*

I have interpreted this part of your request to mean copies of all communications between the Transport Agency and TCIL in respect of their 28 February 2017 application to renew their authorised access.

The following documents fall within the scope of your request and are enclosed:

- Attachment 1: Copies of TCIL's application, the Transport Agency's initial draft decision and subsequent final decision.
- Attachment 2: Copies of communications between TCIL and the Transport Agency.

Certain information has been withheld in both attachments under various sections of the Act. The applicable sections and reason for their application are detailed below:

- Section 9(2)(a) – to protect the privacy of natural persons, including that of deceased natural persons.
- Section 9(2)(b)(i) – to protect information where the making available of the information would disclose a trade secret.
- Section 9(2)(b)(ii) – to protect information where disclosure would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.
- Section 9(2)(ba)(i) – to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the

supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.

Case studies specified in TCIL's application (supplied in Attachment 1) provide detailed descriptions of the type of investigations proposed by TCIL and are withheld under section 9(2)(ba)(i), to protect information which is subject to an obligation of confidence and would likely prejudice the supply of similar information in future; It is in the public's best interest that applicants not be deterred from supplying critical information in support of any future application.

In order to provide you with a more concise file, residual copies of duplicate correspondence have been removed from 'Attachment 2' and will appear as a blank space.

With respect to all information that has been withheld, I do not consider there are any other factors which would render it desirable, in the public interest, to make the information available.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to withhold parts of your request. The contact details for the Ombudsman can be located at www.ombudsman.parliament.nz.

If you would like to discuss this reply with the Transport Agency, please contact Andy Knackstedt, Senior Manager Media, by email to andrew.knackstedt@nzta.govt.nz or by phone on 04 8946285.

Please note that this response will also be published on the NZ Transport Agency's website: <https://www.nzta.govt.nz/about-us/news-and-media/official-information-act/official-information-act-oia-responses/>

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Charlton', with a long horizontal stroke extending to the right.

Michelle Charlton
Senior Manager Customer Service Centre