

From: [Emily Moon](#)
To: [Gemma Rush](#)
Cc: [Melissa Burns](#); [Juliet Esposito](#)
Subject: RE: 241 Templates and Guidance
Date: Monday, 16 May 2022 5:15:03 pm
Attachments: [image001.png](#)
[image002.jpg](#)
[Template of Standard core conditions of 241 access.docx](#)

Hi Gemma

I suspect Juliet and I will struggle to get to these applications this week – **Out of Scope**

With that in mind, perhaps it would be best if you proceed with these applications without Juliet and I as the “panel”.

However, given they are already in my inbox, I have had quick a look at your emails (without carrying out any substantive review or opening at the attachments) and make the following comments:

Out of Scope

Auror

- If you are happy with their application and don't need further detail, then no need to ask for further information
- I'd be happy to review draft Ts&Cs if you can put some together – I've attached the standard template that Juliet and I have worked off in the past, you can tailor it to suit

Out of Scope

Thanks!

Ngā mihi
Emily

Emily Moon (she/her) BA, LLB
**Legal Counsel, Commercial
Corporate Support**

DDI + **s 9(2)(a)** / M **s 9(2)(a)**





From: Gemma Rush <Gemma.Rush@nzta.govt.nz>

Sent: Monday, 16 May 2022 4:53 pm

To: Juliet Esposito <Juliet.Esposito@nzta.govt.nz>; Emily Moon <emily.moon@nzta.govt.nz>
Cc: Melissa Burns <Melissa.Burns@nzta.govt.nz>
Subject: RE: 241 Templates and Guidance

Hi Juliet

I really appreciate the time and effort yourself and Emily have given to put together the guidance document and templates for us, thank you.

I'm just wondering where that leaves us in terms of the applications already send through to your recommendations? This includes the , Auror Limited and .

Kind regards

Gemma Rush (she/her)

Senior Case Officer, Exemptions & Registers Integrity
Te Roopu Waeture | Regulatory Services

Waka Kotahi NZ Transport Agency
Palmerston North
Private Bag 11777, Palmerston North 4442, New Zealand
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From: Juliet Esposito <Juliet.Esposito@nzta.govt.nz>
Sent: Thursday, 12 May 2022 4:48 PM
To: Gemma Rush <Gemma.Rush@nzta.govt.nz>
Cc: Melissa Burns <Melissa.Burns@nzta.govt.nz>; Emily Moon <emily.moon@nzta.govt.nz>
Subject: 241 Templates and Guidance

Hi Gemma

Emily and I have been working on some guidance material and templates to provide your team in the section 241 space. Our intention is for legal to now step off the section 241 panel but remain involved in any compliance action/241 breaches/investigations that occur.

Of course, we are still more than happy for your team to send us specific legal questions that come up at any time.

Training to provide new section 241 panel members/those processing applications

For the new panel members/those working in the section 241 space, we are happy to:

- provide the attached guidance material and templates
- provide a presentation/training session (if you think that would be helpful)
- Shadow the first couple of 241 panel meetings and provide any feedback/assistance.

Happy to get together to discuss a plan for the above (or hear any ideas on what training you might like us to provide).

We do note that we are providing guidance material / templates that may differ from what is provided in the guidance material that MoT provided Waka Kotahi in 2011, and that Waka Kotahi are required to use its best endeavours to follow this guidance, as a condition of the delegation.

However, given that material is somewhat out of date, and the business needs guidance in this area, we have provided the attached. If Waka Kotahi are currently not following the MoT guidance material, then the risk likely remains the same. The conditions of the delegation should likely be dealt with as part of the overall matter of revamping/resourcing this area, which I understand is going to go to the board shortly.

It has been a pleasure working on the panel with you Gemma and of course always hear to help with any issues.

Thank you,

Juliet Esposito (she/her)

Legal Counsel Regulatory, Legal Team

Corporate Support

Email: Juliet.Esposito@nzta.govt.nz

Phone (DDI): s 9(2)(a)

Mobile: s 9(2)(a)

Waka Kotahi NZ Transport Agency

Chews Lane Office, 50 Victoria Street

Private Bag 6995, Wellington 6141, New Zealand



RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



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 (User):

Purpose(s):

Term: Commencing on xxxxx, this notice expires at midnight on xxxxx 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

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

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

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)

Waka Kotahi means the New Zealand Transport Agency

User means xxxxxx authorised by Waka Kotahi under Section 241 for these standard terms and conditions

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.

Notifying relevant person that their information was accessed

3. The User must notify every person of which they have accessed their person information from the motor vehicle register that:
 - a. The User obtained their information from the motor vehicle register; and
 - b. The relevant gazette notice under which the User had the authority to do this; and
 - c. What the information was used for; and
 - d. The person can notify the Registrar that they do not wish to have their names and addresses made available under an authorisation.
4. A notification made under clause 3 must be made in writing and a copy of the notification 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:
- the date the motor vehicle register was accessed; and
 - the relevant plate number for the information accessed; and
 - the individual log-in that accessed the motor vehicle register on behalf of the User; and
 - the reason the User accessed the information, including an explanation and supporting material establishing that the specific circumstances fell within the specified purpose; and
 - A copy of a notification made under **clauses 3 and 4**.
14. Records must be made available to Waka Kotahi on request, as soon as practicable but no later than:
- 7 days after the date of the request - if the request is in relation to an incident or suspected incident; or
 - 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:
- evidence that **clauses 11 to 16** have been complied with; and
 - 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
 - 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.

Sign off

(Director of Land Transport/Senior Manager Vehicle and Driver Licencing)