

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

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):** Port Marlborough New Zealand Limited

**Purpose(s):**

- Where a vehicle has been parked in a car park, enforcement of which is managed by Port Marlborough New Zealand Limited, in breach of the parking terms and conditions; or
- Where there is clear footage of a motor vehicle causing damage to property in a car park, enforcement of which is managed by Port Marlborough New Zealand Limited or
- Where there is clear footage of an occupant of a motor vehicle entering or leaving the vehicle, and of the occupant causing damage to property in a car park, enforcement of which is managed by Port Marlborough New Zealand Limited.

In order for Port Marlborough New Zealand Limited to:

- send notices to the registered person advising them of the breach of the parking terms and conditions and, where appropriate, requesting payment (including details of possible methods of making payment); or
- provide the registered person information to debt collection services for the purposes of lawfully collecting the debt; or
- notify the registered person of the towing or disposal of a motor vehicle which has been parked in breach of the parking terms and conditions

**Term:** Commencing on 5 May 2023 this notice expires at midnight on 4 May 2028 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

**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

**Unauthorised access** means access or use of information that is not authorised access

**User** means Port Marlborough New Zealand Limited authorised by Waka Kotahi under Section 241 for these terms and conditions

**Conditions:**

***General***

1. The User must only access information for the specified purpose.

2. Information must only be accessed by the User on its own behalf.
3. Clear signage must be present in the car park that indicates the presence of CCTV cameras and that registration plates can be searched for the specified purposes.
4. Information obtained under this authorisation shall not be disclosed to any third party unless such disclosure is necessary to achieve a specified purpose.

#### ***Statement on access to information***

5. The User must display a general statement (on the User's website or by physical signage on the relevant site) that advises the registered persons of the following:
  - a. That their name and address may be obtained from the motor vehicle register; and
  - b. The relevant gazette notice under which the User is authorised to access the information; and
  - c. The circumstances in which this may occur and what the information will be used for; and
  - d. That any person can notify the Registrar that they do not wish to have their name(s) and address(es) made available under an authorisation.
6. A copy of the general statement displayed in accordance with clause 5 must be kept on record in accordance with clauses 13-15.

#### ***Security systems***

7. 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.
8. 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 11 and 12; 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 7.

#### ***Privacy breaches***

9. 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.
10. If the User finds that unauthorised access has occurred, the User must immediately notify Waka Kotahi and the Privacy Commissioner.

#### ***Training***

11. 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.
12. 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***

13. The User must keep a record of every time it accesses the motor vehicle register.
14. The record must be kept for a period of at least 18 months from the date of access.
15. 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 individual log-in that accessed the motor vehicle register on behalf of the User; and
  - d. the reason the User accessed the information, including an explanation and supporting material establishing that the specific circumstances fell within the specified purpose; and
  - e. A copy of the general statement required by clause 5.
16. 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.
17. The User must also provide such information as Waka Kotahi reasonably considers relevant to determining whether and how the User complies with these conditions.
18. Names and addresses obtained from the register must not be retained for longer than required to achieve the specified purpose.

***Reporting***

19. Every 12 months the User must provide Waka Kotahi with a report containing:
- a. evidence that clauses 13 to 18 have been complied with; and
  - b. a record of staff training that has taken place in accordance with the requirements in clauses 11 and 12 over the last 12-month reporting period; and
  - c. all actions taken in relation to all instances, or suspected instances, of unauthorised access over the last 12 month reporting period.

***Fees***

20. The User must pay the applicable fees for accessing the motor vehicle register.

***Other***

21. 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)).
22. Nothing in this notice affects the User's obligations under the Privacy Act 2020.