

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

Person: Trademe Limited T/A Motorweb

Purpose(s):

To access personal information from the motor vehicle register to provide to persons (portal users):

- Who have been granted their own authorised access to personal information under section 241 and whose request for personal information from the portal provider complies with that authorised access; or
- Who are entitled to the information because their request is for a purpose specified in section 235, and NZ Transport Agency has given written approval that the request is for a purpose specified in section 235.
- To provide reminder notification of upcoming expiry of vehicle certificates and warrants of fitness directly to the registered person of the vehicle to whom it relates where that person has given consent for the portal provider to access and use this information for this purpose.

When the portal provider is accessing information for the specified purpose in bullet point three, the portal provider is accessing that information as both a portal provider and portal user.

Term: The authorisation is valid for a period of 5 years commencing 1 May 2021 and ending at midnight on 30 April 2026.

Conditions

The authorisation is subject to the following conditions:

Definitions

authorised access means access or use of personal information that has been authorised under the terms of the notice

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

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)

portal provider means Trademe Limited T/A Motorweb

portal user has the meaning given by the notice

Specified Purpose has the meaning given by the notice

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

Waka Kotahi means the New Zealand Transport Agency

General

1. The portal provider must:
 - a. only access personal information for the Specified Purpose; and
 - b. not access any personal information for its own purpose(s) (unless otherwise provided for in the notice).

2. The portal provider must not provide personal information to a portal user unless the user has provided the portal provider with evidence that the request for information complies with the portal user's authorised access.

For example, evidence of authorised access is provided by reference to the relevant Gazette notice confirming this, and the portal user has explained how the request for information complies with the grounds on which that authorised access has been provided.

Security systems

3. The portal provider 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 improper access;
 - b. ensure all staff members who use or have access to the motor vehicle register have completed training that complies with clauses 7 and 8 below; and
 - c. ensure personal information accessed from the motor vehicle register is limited to the information needed to achieve the purpose of the request (but a portal provider may retain personal information for up to one month to be made available to the same user); and
 - d. ensure no personal information is retained by the portal provider after it has been provided to the user; and
 - e. assist the portal provider to identify unauthorised access, or suspected unauthorised access, by either the portal provider or the portal user (for example, alerts the portal provider of repeated searches on a specific motor vehicle).

Privacy breaches

4. If the portal provider suspects that unauthorised access has occurred, the portal provider must notify Waka Kotahi as soon as practicable and no later than 7 days after becoming aware or forming a suspicion.
5. If the portal provider finds that unauthorised access has occurred, the portal provider must immediately notify Waka Kotahi and the Privacy Commissioner.
6. To avoid any doubt, clauses 4 and 5, include unauthorised access by
 - a. the portal provider (including any staff, whether or not acting within the authority of the portal provider); or
 - b. the portal user; or
 - c. any other person.

Training

7. Staff must not have access to the motor vehicle register unless they have completed training in accessing personal information in accordance with section 241 and the terms of the notice, including training on:
 - a. when the portal provider can access information under section 241; and
 - b. when the portal provider can supply information to portal users; and
 - c. how to ensure record keeping requirements are met; and
 - d. how to ensure personal information that is obtained from the motor vehicle register is protected; and
 - e. when and how to safely destroy personal information that was obtained from the motor vehicle register.

8. All staff with access 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

9. The portal provider must keep a record of every time it accesses the motor vehicle register.
10. The record must be kept for a period of at least 18 months from the date of access.
11. 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 purpose for which the portal provider accessed the information; and
 - d. evidence the portal user provided that the request for information complies with the user's authorised access; and
 - e. if the information was accessed for a purpose specified under section 235, a copy of Waka Kotahi's written approval that a section 235 purpose existed.
12. 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.
13. The portal provider must undertake sample audits of its record keeping to check it is keeping records in accordance with clauses 9 to 12.
 - a. Each sample audit should cover a period of 5 consecutive business days (to be chosen at random).
 - b. At least 7 sample audits should be taken every 12 months.
14. When requested, the portal provider must provide records of the sample audits to Waka Kotahi, as soon as practicable but no later than 10 working days after the date of the request.
15. The portal provider must also provide such information as Waka Kotahi reasonably considers relevant to determining whether and how the portal provider complies with these conditions.
16. For clarity, nothing in this notice requires records to include personal information (as this should not be retained by portal providers) unless necessary to show evidence that written approval was provided by Waka Kotahi confirming that the request complied with a section 235 purpose.

Reporting

17. Every 12 months the portal provider must provide Waka Kotahi with a report containing:
 - a. a list of every portal user who has used the portal in the last 12 month reporting period; and
 - b. a list of what staff training has taken place in accordance with the requirements in clauses 7 and 8 over the last 12 month reporting period, including how many staff were trained) and
 - c. a list of all instances, or suspected instances, of unauthorised access over the last 12 month reporting period; and
 - d. all actions taken in relation to those instances, or suspected instances, of unauthorised access.

Fees

18. The portal provider must pay the applicable fees for accessing the motor vehicle register.

Other

19. If the portal provider or any staff (whether or not acting within the authority of the portal provider) breaches any conditions, then Waka Kotahi may immediately suspend or cancel the portal provider's access to personal information on the motor vehicle register (under section 241(6) or (2)).
20. Nothing in this notice affects the portal provider's obligations under the Privacy Act 2020.