

13 June 2024

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████████████████████

REF: OIA-15529

Dear ██████████

### **Request made under the Official Information Act 1982**

Thank you for your email of 30 May 2024 requesting information under the Official Information Act 1982 (the Act), in relation to access to Motor Vehicle Register (MVR) information. I will respond to each part of your request in turn as follows:

*Your website states:*

*Some authorised users will still have access to your name and address, even after you have opted out. As noted above, access to opted out information is granted in limited circumstances where Waka Kotahi has determined that this access is permitted under the Official Information Act in specific circumstances, as per section 237(2)(d) of the LTA. If an authorised user has been granted this additional access, the user will be able to obtain your name and address directly from the Motor Vehicle Register via an online search, even if you have opted out. [...]*

*Please provide a list of all authorised users that have access to information of persons that have opted out.*

The following document falls within the scope of the first part of your request and is enclosed:

- Attachment 1 – Section 237(2)(d) access authorised users (*spreadsheet*).

*Please explain how Wilson's carparking/and or other private carparks have access to opted out information and the grounds that exist for you to determine that the interests of a private company outweigh the privacy of people that have specifically opted out.*

To provide you with some context, certain persons and organisations, or classes of persons, can be authorised to have access to names and addresses of persons registered as owners of vehicles, and information on those vehicles, under section 241 of the Land Transport Act 1998 (the LTA). Persons who are granted access under section 241 of the LTA typically require information from the Motor Vehicle Register (MVR) in bulk, or on a frequent and ongoing basis.

Authorisation under section 241 of the LTA is only granted for a specific purpose and may be subject to certain conditions imposed by NZ Transport Agency Waka Kotahi (NZTA). Prior to granting a section 241 authorisation, NZTA consults with the Ombudsman, the Privacy Commissioner and the Police Commissioner.

Wilson Parking New Zealand Limited has s241 authorisation as detailed in the following *NZ Gazette* notice available on its website at <https://gazette.govt.nz/notice/id/2021-au308>.

Any “requests” for this information is completed through Motochek, an internet service developed by NZTA that enables authorised users to access information electronically, rather than on a case-by-case application. As you note in your request, individuals are able to “opt out” from having their name and address details accessed under section 241. This is a legislated option available under section 241(7)(b) of the LTA.

While opting out prevents authorised users from accessing name and address information from the MVR under section 241 of the LTA, it does not prevent this information from being accessed via other legal avenues. Wilson Parking, and other organisations listed in Attachment 1, have additional access to the names and addresses of individuals who have opted out under section 237(2)(d) of the LTA, which enables personal information to be released if the information may be disclosed under an enactment (the enactment in this case being the Official Information Act 1982 (OIA)).

NZTA has determined that, in certain circumstances, opted-out information may be disclosed in accordance with the requirements for disclosure under the OIA for specific purposes, and on specific conditions. In these specific circumstances, and for these specific purposes, the public interest in the release of this information outweighs the opted-out individuals’ privacy interest.

Please find below a copy of the section 237(2)(d) agreement for Wilsons Parking:

- Attachment 2 – Wilson Parking Level 3 Signed.

Certain information has been withheld from Attachment 2 under section 9(2)(a) of the Act to protect the privacy of natural persons, including that of deceased natural persons.

With respect to the 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.

You will see from Attachment 2 that Wilson Parking is authorised to access names and addresses of opted-out individuals from the MVR under section 237(2)(d) of the LTA where it is necessary for the purposes of:

- sending notices to the registered person of a vehicle, where a vehicle has been parked in a car park, enforcement of which is managed by Wilson Parking, in breach of the parking terms and conditions; and
- tracing persons registered in respect of motor vehicles where the occupants exit a Wilson Parking car park without paying for parking, in breach of the parking terms and conditions.

However, one condition of Wilson Parking’s access (much like other entities) is that it must, in the first instance, seek to obtain the name and address information by using its authorised access under section 241 of the LTA. If the information is not returned because an individual has opted out, only then are they permitted to use their additional access to obtain that information. Wilson Parking is also not permitted to use any information it obtains for any purpose, other than those set out above.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to withhold part of this information. The contact details for the Ombudsman can be located at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

In line with NZTA policy, this response will soon be published on our website, with personal information removed.

If you would like to discuss this reply with NZTA, please contact us by email to [official.correspondence@nzta.govt.nz](mailto:official.correspondence@nzta.govt.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tracy Moore', written over a horizontal line.

**Tracy Moore**  
Head of Customer Operations