

25 February 2015

David Burgess

fyi-request-2445-4e1f0e3a@requests.fyi.org.nz

Dear David

Request made under the Official Information Act 1982

Thank you for your email of 30 January 2015 where you requested information about access to the Motor Vehicle Register for Wilson Parking under the Official Information Act 1982. I have outlined your questions and our answers below.

1. ***“Why does the NZTA supply Wilson Parking with access to the Motor Vehicle Register, when it is the intention of Wilson Parking to act in a usurious manner and possibly unlawfully when the Motor vehicle register is now closed?”***

On 12 February 2013, the NZ Transport Agency responded to your Official Information Act request about access to the Motor Vehicle Register (MVR) and provided background information about it. I have attached the response for your recollection.

Wilson Parking Limited and its division Parking Enforcement Services have access to the Motor Vehicle Register (MVR) via the NZ Transport Agency's streamlined application process. The Registrar permitted the release of information to Wilson Parking as they met the requirements set out in section 235 of the Land Transport Act 1998 (LTA).

In accordance with section 241(1) of the LTA the application made by Wilson Parking for MVR access was considered by the Chief Ombudsmen, Privacy Commissioner and Commissioner of Police. These advising agencies all considered Wilson Parking's application suitable for their requested purpose. In addition, a panel of Ministry of Transport and Transport Agency staff considered the application made by Wilson Parking and agreed with the advising agencies that they were authorised to access name and address details from the MVR for the requested purpose.

2. ***“Wilson Parking may have a contract with the vehicle driver. This is not necessarily the same as the registered person. Considering the situation where the driver is not the registered person, why does the NZTA grant access to the personal details of the registered person, when they don't have any contractual relationship to Wilson Parking, and have no legal or contractual obligation to Wilson Parking?”***

As section 235 of the LTA describes, one of the purposes of the MVR is to facilitate the collection of charges imposed or authorised by the relevant legislation.

In order to enable the manageable recovery of payment for a breach of a car park contract it is appropriate that the car park owner seek payment from the registered person of the motor vehicle. This allows the car park owner access to an accurate address for which the breach notice can be sent to. In addition, a registered person accepts responsibility for a vehicle under traffic law (e.g. licensing, safety inspections, fines/infringements). Therefore, the registered person should know who is using the vehicle at all times.

In the event that the registered person was not driving the vehicle (i.e. rental car) advice will be given on the notice on how to transfer liability. Another example of this type of approach is for fixed speed camera infringements that are sent to the registered person of the vehicle.

3. "How many times has the NZTA provided Wilson Parking with access to the motor vehicle register, since the motor vehicle register was officially made non-public?"

Please see the below table, which shows the number of queries Wilson Parking has made for information from the MVR via the Motocheck facility between 1 May 2011 and 31 January 2015.

	Year of query				
	2011	2012	2013	2014	2015
Number of queries	28 595	103 787	125 543	159 842	11 162

The information is current to 12 February 2015.

If you would like to discuss this reply with the NZ Transport Agency, please contact Alex McMinn, Customer Response Team, by email to info@nzta.govt.nz or by phone on 0800 822 422

Yours sincerely



Sue Hardiam
Manager, Customer Access
For Chief Executive