

6 September 2024

Rhys
fyi-request-27982-46d604d1@requests.fyi.org.nz

REF: OIA-16135

Dear Rhys

Request made under the Official Information Act 1982

Thank you for your email of 9 August 2024 requesting information pertaining to authorised access to the Motor Vehicle Register (MVR) under the Official Information Act 1982 (the Act).

To provide context, certain persons (including businesses) or classes of persons can be authorised to have access to the names and addresses of persons registered in respect of a motor vehicle, 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 MVR in bulk, or on a frequent and ongoing basis. This access allows the authorised user to access the names and addresses of persons currently registered to a motor vehicle who have not “opted out” from this process (also known as notifying the Registrar that they do not wish to have their names and addresses made available under section 241 authorised access).

An 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, Privacy Commissioner and Police Commissioner.

Additionally, some private companies such as Carjam and TradeMe, act as a third-party portal, facilitating access to Motochek on behalf of its clients. These portal companies hold a section 241 authorisation and are permitted to pass registered person information onto their clients, provided their clients are also authorised under section 241 of the LTA. For more information on section 241 authorisation, please visit: www.nzta.govt.nz/vehicles/how-the-motor-vehicle-register-affects-you/authorised-access-to-the-register/

With respect to your request, I have addressed each aspect in turn below.

1) *How much does it cost private companies to lookup data in 2024 (gst exclusive)*

This part of your request is refused under section 18(d) of the Act as the information requested is publicly available online at: www.nzta.govt.nz/vehicles/how-the-motor-vehicle-register-affects-you/requesting-register-information/motochek/motochek-fees/

Please note that persons who use a third-party portal company to access information will pay the portal company the applicable fee they have agreed to, and the portal company will pay NZTA the Motochek fee to obtain the information in the first instance. NZTA does not hold information on what a portal company charges its clients to carry out their requests.

2) *What safeguards are in place to ensure companies are looking up data they are entitled to actually look at. Is there any requirement to upload an existing parking ticket, offence or summons?*

As part of submitting an enquiry for registered person or vehicle details, NZTA does not require the authorised user to upload documentation to the Motochek system as evidence of why the information is being requested, such as a parking ticket or summons.

In terms of ensuring persons or companies are only accessing information they are entitled to; this is covered in their terms and conditions for access, which they are required to agree to as part of the application process. A user's authorisation, including the terms and conditions, are Gazetted online at: gazette.govt.nz/

Not all authorised users, such as parking companies, have exactly the same terms and conditions as some users were granted access quite some time ago. However, most users' terms and conditions will include record keeping conditions that note they must retain information about each enquiry, including supporting evidence that the circumstances fell within the specified purposes. This can be requested by NZTA for audit purposes, or as part of investigating a complaint.

You can find a list of all persons and companies who hold a section 241 authorisation online at: www.nzta.govt.nz/vehicles/how-the-motor-vehicle-register-affects-you/authorised-access-to-the-register/ . From this page, you can access a spreadsheet which will also include a link to each users Gazette notice.

3) *Can vehicle owners request access to see who has logged a lookup against their license plate previously? If so, what is the process users can follow?*

Yes, NZTA is able to produce a report which shows which users have submitted a request for registered person name and address details against a specific vehicle registration plate number within the last 18 months.

To request such a report, please email official.correspondence@nzta.govt.nz, and include your full name, date of birth, and current address. Providing the registration plate numbers of the vehicles registered in your name will also be beneficial.

4) *If an individual revokes their access can private parking companies and motor vehicle traders still access data?*

Individuals who don't want their details to be released to a person holding a section 241 authorisation can instruct NZTA not to release their details by 'opting out'. Any person can opt out and no reason is required.

With that said, 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. Some companies also have additional access to the name and

addresses of individuals 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).

NZTA has determined that, in certain circumstances, opted-out information may be disclosed to these companies in accordance with the requirements for disclosure under the Official Information Act 1982 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.

A list of these companies is provided below:

Company Name		
Central Park NZ Limited	Duncan Collins Limited	AA Insurance Limited
LRP Enforcement Services Limited	Ferguson Robertson Limited	IAG New Zealand Limited
Wilson Parking New Zealand Limited	Eva Francis Limited	Provident Insurance Corporation Limited
Instant Finance Limited	Johnston Hall Limited	Zurich Australian Insurance Ltd
Xceda Finance Limited	Mark & Joy Diggelmann Limited	The Hollard Insurance Company PTY Limited
Pioneer Finance Limited	Neil Wolfgram Limited	Tower Limited
Motor Trade Finance Limited	Noel Johnston Limited	Toyota Finance New Zealand Limited
Dean Paterson Limited	Paul A Robinson Ltd	LPR Enforcement Services Limited
Richard S Scott Limited	Tina Wilcock Limited	Smart Parking Technology Limited
Collier Sendall Limited	Wolfgram Limited	

5) If an individual revokes their access what entities are able to still access data held regardless of the opt out in place for that vehicle? List all non Government agencies only (if any)?

Please refer to my response to question 4.

6) What happens if a vehicle is sold, is the revoked access automatically removed?

When an individual opts out, this revoked access applies to their NZTA customer number rather than an individual vehicle. As such, when a person opts out, this automatically revokes access to their information for all vehicles currently registered in their name under that customer number. If a person removes a vehicle from their name, the revoked access will not be automatically removed from their customer number, including any vehicles still in their name.

When a vehicle is transferred to a new registered person, unless that person's NZTA customer number has an 'opt out' status, their details will be available for access by those with a section 241 authorisation until such time as they opt out.

7) If point 6 is removed, how can a new vehicle owner ensure any debts associated with the previous owner (i.e. parking tickets) aren't associated with them, now that their address would be made available on the lookup?

To ensure a person does not remain liable for any fees or fines incurred on a vehicle they have sold, it is important they complete the change of registered person process prior to the vehicle leaving their possession. A parking company will, for example, hold the registered person as at the date of the parking breach responsible.

The process entails the seller completing a *Notice by Person Selling/Disposing of Motor Vehicle (MR13A form)* and the new owner lodging a *Change of Registered Person (MR13B form)*. Further information about this process is available online at: www.nzta.govt.nz/vehicles/buying-and-selling-a-vehicle/

If you would like to discuss this reply with NZTA, please contact Ministerial Services by email at 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