

## **Authorised Access to the Motor Vehicle Register (Financial Service Providers - Standard Terms) Notice 2017**

Pursuant to section 241 of the Land Transport Act 1998 (“Act”), I, Michael Paul Beedell, Manager Adjudications, NZ Transport Agency, acting pursuant to a delegation from the Secretary for Transport, make the following notice:

### **Notice**

**1. Title**—This notice is the Authorised Access to the Motor Vehicle Register (Financial Service Providers - Standard Terms) Notice 2017.

**2. Commencement**—This notice comes into force on **16 March 2017**.

**3. Access to names and addresses held on the Motor Vehicle Register**—A registered financial services provider who has been authorised to access the Motor Vehicle Register may access names and addresses of persons:

- who are currently registered in respect of a motor vehicle(s); and
- who have not instructed the Registrar of Motor Vehicles to withhold their details

for the purposes specified in paragraph 4, subject to the conditions in paragraph 6.

### **4. Specified purposes:**

**Person:** Registered financial service providers

#### **Purposes:**

- a. To assist in verifying the owner of a motor vehicle when assessing an application to provide finance in relation to that vehicle; and
- b. to check or confirm details where the registered financial services provider has an existing security interest in the relevant motor vehicle, either in the form of a Personal Properties Securities Register (PPSR) interest or similar security interest.

**Person:** Registered financial service providers who are insurers

#### **Purposes:**

- a. To obtain names and addresses of persons registered in respect of vehicles that have been involved in motor vehicle accidents with the insurer’s clients;
- b. to obtain name and address details to assist in verifying that payment for claims are made to the owner of the vehicle; and
- c. for any other purpose that is reasonably required for the purpose of assessing or processing an insurance policy or claim in relation to a motor vehicle.

**5. Authorisation**—A registered financial service provider is authorised to access the Motor Vehicle Register if the provider:

- a. is a member of either the Financial Services Federation or the Insurance Council; or
- b. has been otherwise authorised to access the Motor Vehicle Register.

### **6. Conditions**

- a. Names and addresses are accessed only by the registered financial service provider on the provider’s own behalf, and solely for the provider’s own use;
- b. names and addresses may only be accessed for a specified purpose consistent with the range of services offered by the provider;
- c. the fees charged for the provision of the names and addresses from the Motor Vehicle Register are duly paid;

- d. any instances of unauthorised access must immediately be notified to the Registrar of Motor Vehicles (currently the NZ Transport Agency), the Privacy Commissioner, and the individual(s) whose information has been accessed without authorisation or disclosed in breach of these conditions;
- e. before being permitted to access the Motor Vehicle Register under section 241 of the Act, all staff must receive training that emphasises that such access must only be for a specified purpose, and refresher training of all staff must be undertaken at appropriate intervals (such as annually);
- f. access must be restricted solely to members of staff for whom authorised access is essential to achieving a specified purpose;
- g. the names and addresses obtained under this authorisation shall not be disclosed to any third party unless such disclosure is necessarily incidental to achieving a specified purpose; and
- h. the financial service provider must comply with the terms and conditions of their chosen digital access provider.

#### **7. Records and Audit**

- a. The financial services provider is required to keep summary records of each section 241 enquiry for one year, from the date on which register data was accessed; and
- b. the provider must provide information to the Registrar of Motor Vehicles and in all other respects assist with any audit of their access to name and address information.

#### **8. Interpretation**

**insurer** has the meaning given to that expression by section 4 of the Financial Service Providers (Registration and Dispute Resolution) Act 2008.

**registered financial service provider** and **provider** means a financial service provider registered under section 16(1) of the Financial Service Providers (Registration and Dispute Resolution) Act 2008.

**financial service provider** has the meaning given to that expression by section 4 of the Financial Service Providers (Registration and Dispute Resolution) Act 2008.

**9. Expiry**—This notice expires at midnight on 16 March 2022, but may be revoked at any time either generally or in relation to a specific financial service provider.

This authorisation will not apply to any financial services provider who ceases to be registered as a financial services provider.

Dated this 13th day of March 2017.

MICHAEL PAUL BEEDELL, Manager Adjudications, NZ Transport Agency.

#### ***Explanatory note***

This note is not part of the notice, but is intended to indicate its general effect.

This notice, which comes into force on 16 March 2017, specifies the standard terms and conditions for access, by financial service providers, to personal information on the Motor Vehicle Register under section 241 of the Land Transport Act 1998, and the purposes for which that information may be used.

Any financial service provider who is not a member of either the Financial Services Federation or the Insurance Council must make a separate application for authorisation under this notice.