

## **Authorised Access to the Motor Vehicle Register (Motor Vehicle Traders - 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 (Motor Vehicle Traders - 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 motor vehicle trader 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:**

- a. To assist in verifying the registered person details in respect of a motor vehicle when purchasing that vehicle;
- b. to check or confirm that a change of registered person has been completed correctly in relation to a transaction in which the motor vehicle trader has a business interest;
- c. in the case of wholesalers only, to obtain names and addresses of persons registered in respect of vehicles that are the subject of a safety recall; and
- d. any other purpose that is necessary to facilitate the sale or purchase of a motor vehicle in relation to a transaction in which the motor vehicle trader has a business interest, other than marketing purposes.

**5. Authorisation**—A motor vehicle trader is authorised to access the Motor Vehicle Register if the trader:

- a. is a member of a representative body with disciplinary powers which has applied for access to the Motor Vehicle Register on behalf of its members;
- b. is a member of a representative body without disciplinary powers where the individual members have been authorised to access the Motor Vehicle Register; or
- c. has been otherwise authorised to access the Motor Vehicle Register.

### **6. Conditions**

- a. Names and addresses are accessed only by the motor vehicle trader on the trader’s own behalf, and solely for the trader’s own use;
- b. names and addresses may only be accessed for a specified purpose;
- 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 motor vehicle trader must comply with the terms and conditions of their chosen digital access provider.

**7. Records and Audit**

- a. The motor vehicle trader 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 motor vehicle trader 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**

**motor vehicle trader** and **trader** means a person or company who is registered under the Motor Vehicle Sales Act 2003 to carry out the activities described in section 7 of that Act.

**wholesaler** has the meaning given to that expression in section 6 of the Motor Vehicle Sales Act 2003.

**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 motor vehicle trader.

This authorisation will not apply to any motor vehicle trader who ceases to be registered as a motor vehicle trader.

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 motor vehicle traders, 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.