



Land Transport (Motor Vehicle Register Authorised Access) Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 12th day of April 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 241(3) and (7)(b) and 269(1)(p)(i) and (t) and (3) of the Land Transport Act 1998, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

- 1 Title**

These regulations are the Land Transport (Motor Vehicle Register Authorised Access) Regulations 2010.
- 2 Commencement**

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.
- 3 Interpretation**

In these regulations,—

applicant means a person wanting an authorisation

authorisation means an authorisation under section 241(1) of the Land Transport Act 1998

disciplinary power means power to penalise a member of a representative body

questions means the questions in regulation 8

representative body means a body that represents the collective interests of the members belonging to it.
- 4 Application under section 241(3)(a) and (4)**
 - (1) An applicant must send answers to the questions to the Secretary in writing or electronically.
 - (2) An applicant may send the Secretary, in writing or electronically, any other information that the applicant considers the Secretary may need to decide whether to approve the application.
 - (3) The Secretary may ask an applicant, in writing or electronically, for any other information that the Secretary considers he or she may need to decide whether to approve the application.

5 Applicants who are individuals

An applicant who is an individual wanting an authorisation for his or her own purposes must answer the questions on the basis that “you” and “your” refer to himself or herself.

6 Applicants wanting authorisation for business

An applicant wanting an authorisation for the purposes of the applicant’s business must answer the questions on the basis that “you” and “your” refer to the business.

7 Applicants that are representative bodies

- (1) An applicant that is a representative body that has disciplinary power may apply for 1 of the following:
 - (a) an authorisation in the name of the body, to be used by its members; or
 - (b) authorisations in the names of all its individual members, to be used by the individual members.
- (2) An applicant that is a representative body that has no disciplinary power may apply for authorisations in the names of all its individual members, to be used by the individual members.
- (3) The applicant must answer the questions on the basis that “you” and “your” refer to—
 - (a) the representative body; and
 - (b) each member of the representative body.

8 Questions

The questions are as follows:

- (a) what is your full name?
- (b) what is your physical address?
- (c) what is your postal address?
- (d) what is your email or other electronic address?
- (e) do you currently use information from the register?
- (f) if you do, what do you use it for?
- (g) what do you intend to use it for?
- (h) what are your reasons for not doing one of the following:
 - (i) collecting the information directly from the individual concerned:

- (ii) collecting the information from a source other than the register:
- (iii) seeking confirmation from the Registrar under section 236(1)(b) of the Land Transport Act 1998 that a specified person is registered in respect of a specified motor vehicle:
- (iv) asking for the information under the Official Information Act 1982?
- (i) what physical and computer security systems do you have in place to ensure that information from the register—
 - (i) is kept secure; and
 - (ii) is used only for the purpose or purposes specified in the authorisation?
- (j) how do you propose to tell the persons whose information has come from the register about the following:
 - (i) the fact that the register was the source of the information; and
 - (ii) what you use the information for; and
 - (iii) the fact that the persons can notify the Registrar that they do not wish to have their names and addresses made available under an authorisation?
- (k) have you ever been found to have breached any of the information privacy principles in the Privacy Act 1993?
- (l) have you ever been found, in proceedings of any kind, to have breached any confidentiality obligation?
- (m) do you have a credit rating and, if so, what is it?
- (n) for how long, up to 5 years, do you want the authorisation to last?
- (o) if you employ staff or engage agents,—
 - (i) how many of them are likely to have access to the information from the register?
 - (ii) what are the roles of those who are likely to have access?
 - (iii) what training will you give those who are likely to have access on the proper handling of the information from the register?

- (iv) what controls do you have in place to ensure that those who are likely to have access handle the information from the register properly?
- (v) what sanctions do you have available for those who do not handle the information from the register properly?
- (p) if you are in business,—
 - (i) what is the nature of the business?
 - (ii) what locations does the business operate from?
 - (iii) how long has the business existed?

9 Application processing fee under section 241(3)(b)

- (1) At the same time as an applicant sends the answers to the questions to the Secretary, the applicant must pay the Secretary the application processing fee specified for the applicant in the Schedule.
- (2) The Secretary may remit or refund the whole or part of a fee paid under this regulation on any of the following grounds:
 - (a) that the application that the fee accompanied has been withdrawn:
 - (b) that the application that the fee accompanied required work and expense of such a degree or amount that payment of the fee, or the full fee, is not justified:
 - (c) that in all the circumstances of the case it would be inappropriate to require the fee, or the full fee, to be paid.

10 Notification under section 241(7)(b)

The Registrar may make available 1 or more of the following methods for persons to notify the Registrar that they do not wish to have their names and addresses made available under an authorisation:

- (a) calling the Registrar's call centre:
- (b) writing a letter to the Registrar:
- (c) sending the Registrar an email or other electronic message:
- (d) using the Registrar's internet site:

- (e) completing the section provided for the purpose on a form made available by the Registrar.

Schedule
Application processing fees

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Applicant	Fee (\$)
Individual	608
Business that is not a representative body or a member of a representative body	836
Representative body with disciplinary power and 20 or fewer members	1,140
Representative body with disciplinary power and 21 or more members	1,292
Representative body with no disciplinary power and 20 or fewer members	1,292
Representative body with no disciplinary power and 21 or more members	1,368
Any other person	1,140

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations allow persons to apply for an authorisation under section 241(1) of the Land Transport Act 1998 to have access to the names and addresses of persons registered in respect of motor vehicles in the motor vehicle register. The regulations also allow persons to notify the Registrar if they do not want others getting information about them from the register by means of an authorisation under section 241(1).

The regulations come into force 28 days after their notification in the *Gazette*.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 15 April 2010.
These regulations are administered by the Ministry of Transport.
