

Land Transport Act 1998: Authorised Access to the Motor Vehicle Register (Financial Services Providers) Notice 2011

Pursuant to section 241(1) of the Land Transport Act 1998, the Secretary for Transport gives the following notice.

Notice

1. Title – This Notice is the Land Transport Act 1998: Authorised Access to the Motor Vehicle Register (Financial Service Providers) Notice 2011.

2. Commencement – this Notice comes into force on 1 May 2011.

3. Interpretation

Insurer has the meaning given to it by section 4 of the Financial Service Providers (Registration and Dispute Resolution) Act 2008.

Registered Financial Service 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 it by section 4 of the Financial Service Provider (Registration and Dispute Resolution) Act 2008.

4. Authorised access to names and addresses held on Motor Vehicle Register –

A Registered Financial Service Provider may access names and addresses of persons who:

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

for the purposes specified in paragraph 5, subject to the conditions in paragraph 6.

5. Specified Purposes

- (a) 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;
- (b) To assist in verifying the owner of a motor vehicle when assessing an application to provide finance in relation to that vehicle;
- (c) If the Financial Service Provider is an Insurer –
 - (i) 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;
 - (ii) To obtain name and address details to assist in verifying that payment for claims are made to the owner of the vehicle; and

(iii) 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.

6. Conditions

- (a) Names and addresses are accessed only by the Financial Service Provider on its own behalf and solely for its 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 MVR are duly paid;
- (d) Any instances of unauthorised access are immediately reported to the Secretary for Transport and the Privacy Commissioner;
- (e) Before being permitted to access the Motor Vehicle Register, 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;
- (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 Motochek Terms and Conditions, available at <https://motochek.landtransport.govt.nz/mcpro/default.asp?category=mcpro&service=Terms>

7. Expiry – This Notice expires with the close of 30 April 2016, but may be revoked at any time either generally or in relation to a specific Financial Service Provider.

Dated this 11th day of March 2011

Martin Matthews
Secretary for Transport