

Authorised Access to the Motor Vehicle Register (Fuel Suppliers - Standard Terms) Notice (No. 2) 2017

Pursuant to section 241 of the Land Transport Act 1998 (“Act”), I, Charles Ronaldson, General Manager, Customer Design and Delivery, 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 (Fuel suppliers - Standard Terms) Notice (No. 2) 2017.

2. Commencement—This notice comes into force on **1 November 2017**.

3. Access to names and addresses held on the Motor Vehicle Register—A Fuel supplier 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 purpose specified in paragraph 4, subject to the conditions in paragraph 6.

4. Specified purposes:

Person: Fuel supplier (fuel wholesaler or fuel retailer)

Purpose: To assist in verifying the registered person details in respect of a motor vehicle where the occupants fail to pay for goods or services obtained from a fuel supplier at a service station.

5. Authorisation

- a. A fuel retailer is authorised to access the Motor Vehicle Register if a fuel wholesaler has identified that person or company to the NZ Transport Agency as a franchisee or wholly owned site that sells the fuel wholesaler’s products and access has been authorised.
- b. A fuel wholesaler is authorised to access the Motor Vehicle Register if the fuel wholesaler has been individually authorised to access the Motor Vehicle Register.
- c. A fuel retailer is authorised to access the Motor Vehicle Register if the fuel retailer 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 and access has been authorised, or is a member of a representative body without disciplinary powers where the individual members have been authorised to access the Motor Vehicle Register.

6. Conditions

- a. Names and addresses are accessed only by a fuel supplier on the supplier’s own behalf, and solely for the supplier’s own use;
- b. names and addresses may only be accessed for the 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 the 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 the 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 the specified purpose; and

h. the fuel supplier must comply with the terms and conditions of their chosen digital access provider.

7. Records and Audit

- a. The fuel supplier is required to keep summary records of each section 241 enquiry for one year, from the date on which register data was accessed.
- b. The fuel supplier 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

Fuel supplier means a person or company that is in the business of distributing fuel (including, but not limited to, petrol and diesel) or offering fuel for sale, and includes a fuel wholesaler and a fuel retailer.

Fuel wholesaler means a person or company that supplies fuel to fuel retailers, and supply may include the provision of support functions to those retailers.

Fuel retailer means a person or company that offers fuel for sale directly to vehicle operators from one or more service stations.

Service station means a site used for the sale of fuel to the public, and for which a test certificate is issued pursuant to section 82 of the Hazardous Substances and New Organisms Act 1996.

9. Expiry—This notice expires at midnight on 31 October 2022 but may be revoked at any time either generally or in relation to a specific fuel supplier.

10. Revocation—The notice titled “Authorised Access to the Motor Vehicle Register (Fuel Suppliers - Standard Terms) Notice 2017” dated 13 March 2017 and published in the [New Zealand Gazette, 16 March 2017, Issue No. 29, Notice No. 2017-au1221](#), is revoked. Any confirmation that a Fuel Supplier is covered by the revoked notice is to be treated as confirmation of coverage by this notice.

This authorisation will not apply to a fuel retailer if the fuel retailer ceases to be a franchisee or wholly owned site selling the fuel wholesaler’s products.

Dated this 16th day of October 2017.

CHARLES RONALDSON, General Manager, Customer Design and Delivery, NZ Transport Agency.