

2 September 2019

Grace Haden  
fyi-request-10801-94b33b16@requests.fyi.org.nz

OIA-550

Dear Grace

Thank you for your emails of 24 July 2019 to the Ministry of Transport regarding authorised access to the Motor Vehicle Register (MVR) under section 241 (S241) of the Land Transport Act 1998 (the LTA). As the Agency responsible for maintaining and auditing S241 access your request has been transferred to the NZ Transport Agency for response. You have requested the following information under the Official Information Act 1982 (the Act):

- How many times in 2017 and 2018 did Wilson Parking access the Motor Vehicle Register?
- How does the Ministry of Transport audit compliance with the requirements of this notice?
- What are the terms and conditions referred to in section (j) of the notice, if this involves the provision of an annual return - I request a copy of the annual report for 2017 and 2018 that Wilson Parking is required to provide to the Ministry in section (j) of the notice.

The access has been granted to Wilson Parking New Zealand Limited, does this also include other companies which use the trading name Wilson Parking New Zealand Limited as shown in the companies register.

What requirement is there for Wilson Parking New Zealand Limited to provide a contract to the property owner of land which they "manage" parking on:

Could you please provide a copy of the records specified in section h if this is not available due to privacy concerns please redact the car registration numbers and show the date and purpose

On the 27 August 2019 the Transport Agency extended your request by 5 working days because on the consultation necessary to make a decision on your request. I will answer your questions in turn below.

**Question one:** How many times in 2017 and 2018 did Wilson Parking access the Motor Vehicle Register?

Please refer to OIA-5508 Data in the attached excel spreadsheet.

**Question two:** How does the Ministry of Transport audit compliance with the requirements of this notice?

The Transport Agency is responsible for administering authorisations under section 241 of the LTA. As of May 2019, the Transport Agency provides a quarterly report to the Ministry of Transport which outlines S241 application statistics and details of any breach of authorisation. All breaches are thoroughly investigated, and the appropriate action is taken.

**Question three:** What are the terms and conditions referred to in section (j) of the notice, if this involves the provision of an annual return - I request a copy of the annual report for 2017 and 2018 that Wilson Parking is required to provide to the Ministry in section (j) of the notice.

We have interpreted section (j) to be condition (i) of the Gazette notice. The terms & conditions in which Wilson Parking NZ Limited signed and agreed to access the requested information can be found on the Motochek application form here: <https://www.nzta.govt.nz/assets/Vehicles/docs/Motochek/Motochek-application-form.pdf>.

As the provision of an annual return is not outlined in the terms & conditions I am refusing this part of your request under 18(g) of the Act because the information requested is not held by the department or Minister of the Crown or organisation and the person dealing with the request has no grounds for believing that the information is either—

- (i) held by another department or Minister of the Crown or organisation, or by a local authority; or
- (ii) connected more closely with the functions of another department or Minister of the Crown or organisation or of a local authority.

**Question four:** The access has been granted to Wilson Parking New Zealand Limited, does this also include other companies which use the trading name Wilson Parking New Zealand Limited as shown in the companies register.

Access is only granted to the entity that has applied. If anyone acts on behalf of Wilson Parking New Zealand Limited, they will need to apply for their own individual access.

**Question five:** what requirement is there for Wilson Parking New Zealand Limited to provide a contract to the property owner of land which they "manage" parking on

There is no requirement under the LTA.

**Question six:** could you please provide a copy of the records specified in section h if this is not available due to privacy concerns please redact the car registration numbers and show the date and purpose

Section(h) stipulates transaction records are to be provided to the Transport Agency on request. The Transport Agency has not yet requested this information from Wilson Parking NZ Limited and therefore I am refusing your request under section 18(g) of the Act because that the information requested is not held by the department or Minister of the Crown or organisation and the person dealing with the request has no grounds for believing that the information is either—

- (i) held by another department or Minister of the Crown or organisation, or by a local authority; or
- (ii) connected more closely with the functions of another department or Minister of the Crown or organisation or of a local authority

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to extend this request. The contact details for the Ombudsman can be located at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz)

If you would like to discuss this matter further with the Transport Agency you are welcome to contact Chelsea Wehipeihana, Customer Advisor - Ministerials, at [chelsea.w@nzta.govt.nz](mailto:chelsea.w@nzta.govt.nz) or on 0800 108 809.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michelle Charlton', with a long horizontal stroke extending to the right.

**Michelle Charlton**

Senior Manager, Customer Services