

11 May 2024

J Dough
fyi-request-27007-dd6c7f23@requests.fyi.org.nz

REF: OIA-15483

Dear J Dough

Request made under the Official Information Act 1982

Thank you for your email of 26 May 2024 requesting information under the Official Information Act 1982 (the Act). I will respond to each part of your request in turn as follows:

Can the New Zealand Transport Agency please confirm that the use of a driver's licence number is covered by the Privacy Principles as listed on the NZ Privacy Commissioner's website [...]

NZ Transport Agency Waka Kotahi (NZTA) considers that a Driver Licence is a unique identifier as defined in the Privacy Act 2020 and covered by the Information Privacy Principles, including Principle 13.

I note that Principle 13 [...] specifically calls out "...driver's licence numbers..." as one of the examples it uses around unique identifiers. Does the New Zealand Transport Agency agree with the Privacy Commissioner using the "...driver's licence number..." as being a good, correct example to use? If no, please explain why not and confirm that the New Zealand Transport Agency will work with the Privacy Commissioner to get the Principle 13 web page updated [...]

"Unique identifier" is defined in the Privacy Act 2020 as "in relation to an individual, means an identifier other than the individual's name that uniquely identifies the individual". Schedule 1 of the Justice Sector Unique Identifier Code 2020 specifies the circumstances in which a unique identifier may be assigned. This includes a unique identifier assigned to an individual as a result of the issue of a Driver Licence. It's use as an example of a unique identifier therefore appears appropriate.

Can any organization in New Zealand (i.e. one for which the Privacy Act 2020 applies) use a driver's licence number as a key identifier, username, password or similar for any purpose other than one which is directly related to driving? If they are:

NZTA does not have any powers to regulate the use of a Driver Licence by other organisations, but we note that the Justice Sector Unique Identifier Code 2020 permits some organisations to assign a unique identifier for use in that organisation's operations.

However, this code is issued by the Privacy Commissioner and its application to other organisations – and questions on an organisation’s use of a Driver Licence number for non-driving purposes – is a matter for those organisations and the Privacy Commissioner to consider.

** Is this a legal use of a person's driver's licence, with respect to the Privacy Act 2020 and / or other legislation?*

NZTA cannot comment on another organisation’s collection or use of personal information under the Privacy Act 2020 or other legislation. This is a matter for those organisations and the Privacy Commissioner to consider.

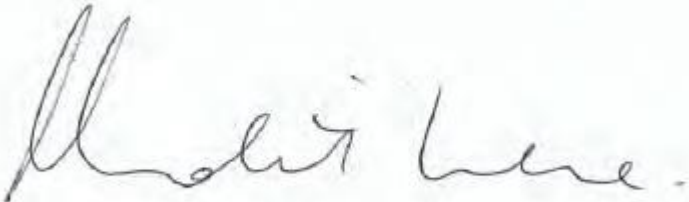
** What will the New Zealand Transport Agency do to ensure that the organization will follow the Privacy Act 2020 with respect to using unique identifiers created by the New Zealand Transport Agency?*

NZTA does not have enforcement powers under the Privacy Act 2020. This is a matter for the Privacy Commissioner to consider.

In line with NZTA policy, this response will soon be published on our website, with personal information removed.

If you would like to discuss this reply with NZTA, please contact us by email to official.correspondence@nzta.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Meredith Ussher', is written over a light blue horizontal line.

Meredith Ussher

Group General Counsel – Governance, Risk & Legal