

26 May 2011

David Bowden
NZ Transport Agency
Transport Registry Centre
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Dear Mr Bowden

Response to Sec 241 application Land Transport Act 1998.

Thankyou for the draft response dated 13 May in respect to our application the access the MVR.

We understand this decision and appreciate the intent of the current guidelines which have been imposed by the Ministry of Transport in relation to our intended access to the MVR.

We do however wish to have our authority extended beyond criminal investigation and for specific services around an SOE and have endeavoured to explain the reasons below.

CONDITIONS UPON TCIL AS A RESULT OF AUTHORISATION

TCIL has no objection to the intended conditions to be placed upon it as a result of the authorisation

FOR PRIVACY COMMISSIONER

We would like to comment on suggestions by the Privacy Commissioner in an attempt to clarify our position:

- TCIL are not required by nor do not intend to disclose to our clients MVR information that it obtains, our clients entrust TCIL to resolve their security issues and take necessary steps to minimise their risk. Clients are not expected to obtain MVR information and act upon it.
- TCIL also have no requirement to retain this MVR information once its enquiries are complete.

We would also like to stress that TCIL does not advertise its services and therefore does not do work for private citizens or small businesses our client base comprises of Global and NZ corporate companies, State Owned Enterprises and Crown Research Institutes.

PURPOSES FOR ACCESS

There are two further purposes that we would like to be considered in relation to the current intended restrictions and guidelines for the use of this MVR facility by TCIL and hope that these considerations would expand TCIL's use of this service on behalf of its clients.

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These two purposes are:

- A- The ability for TCIL to identify persons that are involved in activity that is likely to be subject to civil proceedings (refer to Case 2 in our original application).
- B- the ability to assess vehicles and their occupants in certain circumstances and the likelihood that they would pose an immediate threat to TCIL clients.

This letter is not intended to supersede our original application only to enhance it and the current intended access is still accepted however we would request that the above two purposes are added to our authorisation.

PREVIOUS INFORMATION SUPPLIED IN APPLICATION

We supplied information in our application as to the specified purposes for which we required access to the database. It was our understanding that these were examples of when we would use the system and therefore only provided a snap shot of the type of work that we do for our clients. We did not however appreciate that the guidelines would be restricted to our investigation work of criminal activity and one SOE that we currently work for. We appreciate that you could only consider what guidelines you would impose on us based upon the information that we supplied in our case studies however we could have gone on and provided endless examples of situations where would use such information and considered the information supplied at the time as sufficient.

FURTHER INFORMATION

We have attempted to address this issue and instead of relying upon examples we have provided further information on our client base and what type of situations we would endeavour to use this service as part of protecting these organisations. Subsequently we would like to have our access guidelines reconsidered for expansion around all of our clients and their needs and outline our reasons as follows.

Specified purpose A

Our original application outlined in case 2 is as follows:

Case Study 2

1. [Redacted]
2. [Redacted]
3. [Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

- [Redacted list item]

[Redacted text block]

[REDACTED]

Provision Security Ltd (PSL)

PSL is TCIL's sister company where the directors are the same (Nick Thompson and Gavin Clark) and the core functionality of this company is to provide security guard services. The client base for PSL is often the same as TCIL and also includes [REDACTED]

PSL may require access to the motor vehicle database in the following scenarios and this access would (if authorised) be provided by one of the Directors with the same conditions that are placed upon TCIL. These scenarios are:

Scenario 1

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Scenario 2

[Redacted text block]

SUMMARY

In summary we believe that the scenarios outlined offer sufficient evidence for TCIL to have continued access to the MVR, there are many more specific examples that we could supply which support the type of incidents and scenarios that we have outlined.

All of these situations can be summarised as vehicles observed in suspicious circumstances where further investigation is required to ascertain the intention of occupants of motor vehicles seen in suspicious circumstances.

CONCLUSION

Further to the purposes already stipulated by the Ministry of Transport in the draft decision we request that the authority of our use be extended to purpose A (identity of persons likely to be the subject of civil proceedings) and purpose B (circumstances where there is a likelihood that there is an immediate threat to TCIL clients).

TCIL is active in engaging new clients and providing similar services to other companies as our client base grows and therefore find client specific authority restrictive and believe a more general authority within the guidelines would be more practical.

We request that the conditions placed upon us as users of this facility be more generic around:

- Criminal proceedings
- Civil proceedings
- Enforcement of Security and client protection

We trust that the above outline of our services enables us to have continued use of the MVR database in the circumstances as requested and that we have adequately explained our position on this matter.

If you would like further clarification of any point raised please don't hesitate to contact the writer.

Yours faithfully



Gavin Clark

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