

7 August 2020

Office of the Privacy Commissioner  
[privacy.code@privacy.org.nz](mailto:privacy.code@privacy.org.nz)

Ref: NZT-5166

Dear Office of the Privacy Commissioner

**Submission on proposed revocation and replacement of Justice Sector Unique Identifier Code**

Thank you for your email of 15 of July 2020 inviting Waka Kotahi NZ Transport Agency to make a submission regarding the Privacy Commissioner's proposal to revoke and replace the Justice Sector Unique Identifier Code under the new Privacy Act 2020.

Waka Kotahi's submissions in relation to the proposed new Justice Sector Unique Identifier Code are as follows.

**Clause 4(1)(d) (page 1)**

"The Ministry of Transport" should be replaced with "*the Road User Charges Collector*".

As is evident later in the Code, this relates to applications for Road User Charges (RUC) licences. The Ministry of Transport used to be the RUC Collector, but Waka Kotahi NZ Transport Agency has now been appointed as the RUC Collector by Order in Council (pursuant to the Road User Charges (RUC Collector) Order 2012) made under section 87 of the Road User Charges Act 2012. The RUC Collector has therefore now replaced the Ministry of Transport as the entity responsible for the Road User Charges Act 2012 and the administration of the RUC system, and therefore also as the holder agency in respect of road user charges information.

These references have also been updated in Schedule 4 of the new Privacy Act 2020 (the current Privacy Act 1993 still refers to the Ministry of Transport).

**Clause 5, subrule 13(4) (page 3)**

The wording should be "...by simply recording a unique identifier assigned to the individual by B..." rather than "...assigned by the individual by B..."

**Schedule 1 (page 6)**

Under "New Zealand Transport Agency" (as the agency originally assigning the unique identifier), in the third column (Circumstances in which unique identifier may be re-assigned by other justice sector agencies), under "Ministry of Transport" – for the reasons set out above (and as per the updates to

Schedule 4 of the Privacy Act 2020), "Ministry of Transport" should be replaced with "*Road User Charges Collector*".

**Schedule 1 (page 7)**

Under "New Zealand Transport Agency" (as the agency originally assigning the unique identifier), in the third column (Circumstances in which unique identifier may be re-assigned by other justice sector agencies), under "Registrar of Motor Vehicles" – "as owners of vehicles" and "Motor Register" should be replaced with "*in respect of motor vehicles*" and "*Motor Vehicles Register*", respectively, so that it instead reads: "...verifying the identity of people who are, or apply to be, registered *in respect of motor* vehicles on the Motor Vehicles Register" (updates to correct terminology - the Motor Vehicle Register does not record ownership - and for consistency with Schedule 4 of the Privacy Act 2020).

Waka Kotahi's responses to your "Questions for submitters":

- ***Do you agree that the application of rule 13 to justice sector agencies should reflect section 26 of the Privacy Act 2020?*** (Page 2).  
Yes.
- ***Do you agree that the statistical and other research exemptions in Schedule 1 of the 1998 Code are no longer required in light of new information privacy principle 13(2)?*** (Page 3).  
Yes.
- ***Do you agree that the associated persons exception does not apply to justice sector agencies?*** (Page 3).  
Yes.

I attach the draft JSUIC Consultation Code document with our suggested changes marked.

If you would like to discuss this reply with Waka Kotahi, please contact me by email to [christie.killip@nzta.govt.nz](mailto:christie.killip@nzta.govt.nz).

Yours sincerely



**Christie Killip**  
Privacy Officer / Senior Legal Counsel