



New South Wales

Road Transport (Driver Licensing) Amendment (Release of Driver Licence Information) Regulation 2010

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

DAVID CAMPBELL, MP
Minister for Transport and Roads

Explanatory note

The object of this Regulation is to enable the Roads and Traffic Authority to enter into agreements that will authorise the release to approved third parties of information as to whether a person has a current driver licence and whether there are any demerit points recorded against the person if the person consents to the release of the information. The Authority will be required to consult with the Privacy Commissioner before entering into such an agreement.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 12 and 19 (the general regulation-making power).

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Clause 1 Road Transport (Driver Licensing) Amendment (Release of Driver Licence Information) Regulation 2010

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1 Name of Regulation

This Regulation is the *Road Transport (Driver Licensing) Amendment (Release of Driver Licence Information) Regulation 2010*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 **Amendment of Road Transport (Driver Licensing) Regulation 2008**

Clause 108B

Insert after clause 108A:

108B Release of licence and demerits points information to approved third parties

- (1) The Authority may enter into an agreement with an approved third party (a *driver licence information disclosure agreement*) that provides for the release to the third party of licence and demerit points information with respect to a person.
- (2) A driver licence information disclosure agreement must include provisions that require the approved third party to obtain the consent of the person to whom the licence and demerit points information relates before the information is released to the third party by the Authority.
- (3) The Authority must consult with the Privacy Commissioner before entering into a driver licence information disclosure agreement.
- (4) The Authority is authorised to release licence and demerit points information on the driver licence register and demerit points register in accordance with a driver licence information disclosure agreement.
- (5) A driver licence information disclosure agreement may provide for the payment of fees by the approved third party to the Authority in connection with the agreement, including fees for the release of information in accordance with the agreement.
- (6) In this clause:
approved third party means any person or body approved by the Authority, or of a class approved by the Authority, for the purposes of this clause.
licence and demerit points information with respect to a person means:
 - (a) information recorded in the driver licence register as to whether the person has a current driver licence and the class or classes of any driver licence held by the person, and
 - (b) information recorded in the demerit points register as to whether there are any demerit points recorded against the person.