

Registrar's Decision Notification 01/2006

Access to Motor Vehicle Information Regulation (AMVIR)

On October 5, 2005 the *Access to Motor Vehicle Information Regulation* (AMVIR) AR 140/2003 was amended to address the needs of motor vehicle (automobile) insurance providers.

Under s. 4(4) of AMVIR, the Registrar is required to publish a new notification with respect to the amendments.

Type II: Driving record

1. Driver's abstracts for motor vehicle (automobile) insurance:

The AMVIR purpose 5(1)(b)(i) included in *Registrar's Decision: Notification 01/2004* has been replaced by three new purposes 5(1)(b)(i)(A), 5(1)(b)(i)(B), and 5(1)(b)(i)(C). Consequently, the Registrar decisions are:

The section titled "1. Definition of Insurer" included in *Registrar's Decision: Notification 05/2004* is rescinded.

1.1. Purposes:

- The AMVIR purpose 5(1)(b)(i) included in *Registrar's Decision: Notification 01/2004* is replaced by the following new purposes:

5(1)(b)(i)(A)

The Registrar, on request, may release the driver's abstract of an individual for the 3 year period or a greater period preceding the request as permitted by the Registrar, to an insurer selling motor vehicle insurance, if the abstract is required for the purpose of determining whether to grant or maintain motor vehicle insurance in respect of that individual;

5(1)(b)(i)(B)

The Registrar, on request, may release the driver's abstract of an individual for the 3 year period or a greater period preceding the request as permitted by the Registrar, to an insurance agent or insurance broker directly selling motor vehicle insurance on behalf of an insurer, if the abstract is required for the purpose of determining whether to grant or maintain motor vehicle insurance in respect of that individual;

5(1)(b)(i)(C)

The Registrar, on request, may release the electronic driver's abstract of an individual for the 3 year period to CGI Information Systems and Management Consultants Inc. when CGI is acting as an intermediary for an insurer, insurance agent or insurance broker if the abstract is required for the purpose of

determining whether to grant or maintain motor vehicle insurance in respect of that individual.

1.2. Definitions:

- For the purpose of section 5(1)(b)(i) of AMVIR, “insurer” means an entity licensed to undertake motor vehicle insurance in Canada.
- For the purpose of section 5(1)(b)(i)(B) of AMVIR, “insurance agent” means:
 - a person who, for compensation,*
 - (i) solicits insurance on behalf of an insurer, insured or potential insured,*
 - (ii) transmits an application for insurance from an insured or potential insured to an insurer,*
 - (iii) transmits a policy of insurance from an insurer to an insured,*
 - (iv) negotiates or offers to negotiate insurance on behalf of an insurer, insured or potential insured or the continuance or renewal of insurance on behalf of an insurer or insured, or*
 - (v) enrolls individuals in prescribed contracts of group insurance,*
 - but does not include an insurer;*
- For the purpose of section 5(1)(b)(i)(B) of AMVIR, an “insurance agent” is an “insurance broker” so long as:
 - (a) the insurance agent is a party to 2 or more subsisting agency contracts with different insurers, and*
 - (b) none of the agency contracts requires the insurance agent to deal only with insurance offered by one insurer.*
- For the purpose of section 5(1)(b)(i) of AMVIR, “motor vehicle insurance” means:
 - insurance*
 - (i) against liability arising out of*
 - (A) injury to or death of a person, or*
 - (B) loss of or damage to property, caused by an automobile or the use or operation of an automobile, or*
 - (ii) against loss of or damage to an automobile and the loss of use of an automobile,*
 - and includes insurance otherwise coming within the class of accident insurance if the accident is caused by an automobile or the use or operation of an automobile, whether liability exists or not, and the contract also includes insurance described in subclause (i)*

1.2. Application and decision process:

- The Registrar will review the existing applications from the insurance industry and, if necessary, will request additional supporting information, request new applications, and/or make new decisions under both section 2 and section 5;
- The Registrar will withdraw all individual decisions previously made under section 5(1)(b)(i) and will make new individual decisions under each of the new purposes 5(1)(b)(i)(A), 5(1)(b)(i)(B), and 5(1)(b)(i)(C);

- The Registrar will review all existing and new applications and all existing agreements with the insurance industry and, if necessary, will communicate new decisions to the affected applicants and existing agreement holders;
- Where required, the Registrar will replace or terminate existing AMVIR Agreements.

1.3. Release process:

- The Registrar releases the information contained in the driving record of an individual through the following types of products: 3, 5, and 10-year printed driver's abstracts and 3-year electronic driver's abstracts;
- Driver's abstracts for motor vehicle (automobile) insurance purposes requested under section 5(1)(b)(i) are released only to a person having a valid AMVIR Agreement;
- Driver's abstracts for motor vehicle (automobile) insurance purposes requested by a person under section 5(1)(b)(i) can be used only for the purpose of determining whether to grant or maintain motor vehicle (automobile) insurance in respect of that individual;
- Under section 5(1)(b)(i)(C) the Registrar releases 3-year electronic driver's abstracts only;
- The Registrar will implement a new monitoring, auditing and investigation process to track electronic releases through CGI Information Systems and Management Consultants Inc. ("CGI").

1.4. Categories of persons and/or organizations:

5(1)(b)(i)(A)

- A. The Registrar's decision is to release on request the driver's abstract of an individual for the 3 year period or a greater period preceding the request as permitted by the Registrar, only to an insurer selling motor vehicle insurance, if the abstract is required for the purpose of determining whether to grant or maintain motor vehicle insurance in respect of that individual. The driver's abstract may be released to the insurer either through direct release of information or through indirect release of information via CGI. If the driver's abstract is released through an indirect release via CGI, the Registrar will provide only a 3-year electronic driver's abstract.
- B. Under this purpose, the Registrar's decision is to deny the direct release of the driver's abstract of an individual to:
 - Insurers requesting driver's abstract for a purpose other than selling motor vehicle insurance (e.g., life insurance, investigations, claims management, etc.);
 - Insurance investigators;
 - Private investigators;
 - Insurance adjustors;
 - Insurance service providers;
 - Truck rental or leasing companies;
 - Auto rental or leasing companies.

5(1)(b)(i)(B)

- A.** The Registrar's decision is to release on request the driver's abstract of an individual for the 3 year period or a greater period preceding the request as permitted by the Registrar, only to a licensed insurance agent or insurance broker that is not an individual and is directly selling motor vehicle insurance on behalf of an insurer, if the abstract is required for the purpose of determining whether to grant or maintain motor vehicle insurance in respect of that individual. The driver's abstract may be released to the insurance agent or insurance broker either through direct release of information or through indirect release of information via CGI. If the driver's abstract is released through an indirect release via CGI, the Registrar will provide only a 3-year electronic driver's abstract.
- B.** Under this purpose, the Registrar's decision is to deny the direct release of the driver's abstract of an individual to:
- Insurance agents and brokers when applying as individuals;
 - Non-licensed insurance agents and brokers;
 - Insurance service providers;
 - Insurance investigators;
 - Insurance adjustors;
 - Private investigators;
 - Truck rental or leasing companies;
 - Auto rental or leasing companies.

5(1)(b)(i)(C)

- A.** The Registrar, on request, may release the electronic driver's abstract of an individual for the 3 year period to CGI only when CGI acts as an intermediary for an insurer, insurance agent, or insurance broker if the abstract is required for the purpose of determining whether to grant or maintain motor vehicle insurance in respect of that individual. Only electronic driver's abstracts may be released to CGI. CGI may pass the driver's abstract only to a person having a valid CGI Personal Unique Access Number (CPUAN) and a valid AMVIR Agreement permitting the indirect release of electronic driver's abstracts through CGI under either 5(1)(b)(i)(A) or 5(1)(b)(i)(B). Each CGI request must uniquely identify the requestor.
- B.** Under this purpose, the Registrar's decision is to deny the direct release of the driver's abstract to any person other than CGI.

Except as provided above, the Registrar's decision is to deny the release of driver's abstracts under section 5(1)(b)(i) to any third party service provider (TPSP) acting as an intermediary or agent on behalf of a valid purpose holder.

1.5. Consent requirements:

- For evaluating private passenger automobile risks the consent of the policyholder may be collected in writing, electronically, or orally, using the forms prepared by Alberta Finance and pre-approved by the Registrar;
- For evaluating commercial automobile risks the consent of the individual whose driver's abstract is released must be in writing and conform with the requirements of section 2(3) of AMVIR.

2. Notification and Review Process

This notification was released on May 03, 2006. Any person may, within sixty days after the date of this publication, ask the Information and Privacy Commissioner to review the decision of the Registrar in accordance with Part 5, Division 1.1 of the *Freedom of Information and Protection of Privacy Act*.

On the issuance of this notification, in accordance with subsection 4(1) of AMVIR, notice is deemed to have been given for the current and any future releases of the category of information and of the person or category of persons to whom the information is released/or is not released as described in this notification, for the purposes of notice under Part 5, Division 1.1 of the *Freedom of Information and Protection of Privacy Act*.