

Registrar's Decisions: Notification (RDN) 01/2010 Bankruptcy Trustees

Access to Motor Vehicle Information Regulation (AMVIR)

To comply with the requirements of the Access to Motor Vehicle Information Regulation (AMVIR), and to further clarify and manage the disclosure of personal information from Alberta's Motor Vehicle System (MOVES) the Registrar of Motor Vehicle Services ("Registrar") decides:

1. Bankruptcy Trustee

In this notification "Bankruptcy Trustee" (BT) means "trustee" as defined in the *Canada Bankruptcy and Insolvency Act* (BIA) and includes both individual trustees and firms licensed by and registered and in good standing with the Office of the Superintendent of Bankruptcy, Canada.

In addition, "bankrupt," "bankruptcy," "court" have the meaning defined by BIA. "Recipient" means the person that enters into an AMVIR Agreement with the Registrar. "Request" means the request for release of information made by a Recipient in accordance with an AMVIR Agreement and further clarified through Policies.

The Registrar may enter into an AMVIR Agreement with a Bankruptcy Trustee (BT) located in Canada that is licensed by and registered and in good standing with the Office of the Superintendent of Bankruptcy, Canada.

2. Information Content

Depending on the specific wording of the Request letter and the court order attached to it, if applicable, the Registrar may release to BTs:

- A related vehicles search report listing the vehicles linked to the bankrupt, as of the moment in time when the vehicle index is printed;
- A plate index search report listing the license plate numbers linked to the bankrupt, as of the moment in time when the vehicle index is printed;
- A vehicle registration search report for each vehicle registered to the bankrupt, as of the moment in time when the report is printed;
- A demographic search report providing the last address of the bankrupt, as of the moment in time when the report is printed;
- A vehicle registration report for a vehicle that was previously registered to the bankrupt, as of the moment in time when the report is printed;
- Confirmation Letters providing registration information maintained on MOVES about vehicles and plates previously registered to the bankrupt.

3. Release Channel

BTs having valid AMVIR Agreements with the Registrar may request information through valid Alberta Registries agents only. Copies of the documents appointing and/or authorizing the BT (i.e. court order(s), a Certificate of Appointment from Industry Canada, etc) must be attached to any Request made by a BT under s. 2(1)(b) of AMVIR.

4. Purposes and Categories of Persons

The Registrar's decision is to release the information described above to the persons or categories of persons (Recipients) identified below.

The following category is added, to the list of persons and/or organizations to whom the Registrar has decided to release information under s. 2(1)(b) of AMVIR, as detailed under point "A," on page 9 of the *Registrar's Decisions: Notification 01/2004*:

- v) Bankruptcy Trustees (BTs) that are licensed by and registered and in good standing with the Office of the Superintendent of Bankruptcy, Canada and who have been appointed as a trustee pursuant to the BIA.

The Registrar's decision is to strike the category "bankruptcy trustee" from the list of persons and/or organizations denied direct release of information under s. 2(1)(b) of AMVIR, as detailed under point "B," on page 9 of the *Registrar's Decisions: Notification 01/2004*.

5. Consent requirements

Requests made by a BT under s. 2(1)(b) of AMVIR do not require the written consent of the person whose information is to be released.

6. Application, and Release Processes

BTs licensed and in good standing with the Office of the Superintendent of Bankruptcy, Canada may apply for AMVIR Agreements under s. 2(1)(b) of AMVIR.

Requests made by BTs having valid AMVIR Agreements under s. 2(1)(b) of AMVIR must be accompanied by the relevant document(s) authorizing the BT to act for a particular bankrupt (e.g. court order, Certificate of Appointment from Industry Canada, etc.).

Requests for vehicle registration and demographic information of the bankrupt are processed directly by the Alberta Registries agent. Requests for the

information of any other person except the bankrupt must be supported by appropriately worded court order(s). In this situation, the Request and all supporting documents are provided to the registry agent but are reviewed through an exception process.

7. Notification and Review Process

In accordance with section 4 of AMVIR, on request by a person/organization the Registrar's decision is to release, on an ongoing basis, the information specified in this Notification.

This Notification was released on November 23, 2010. 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 the 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 as described in the Notification, for the purposes of notice under Part 5, Division 1.1 of the *Freedom of Information and Protection of Privacy Act*.