



## UPDATE: SALE OF DRIVER LICENSE INFORMATION BY THE DEPARTMENT OF MOTOR VEHICLES

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### PERSONAL INFORMATION SUBJECT TO LIMITED DISCLOSURE BY THE DMV

- driver's license number
- name
- address (but not zip code)
- telephone number
- email address
- photograph or computerized image
- Social Security number
- Medical or disability information

Personal information *does not* include accident or violation history or information on license, registration, or insurance status.

Photographs or computerized images, Social Security numbers, and medical or disability information are considered *highly restricted personal information* and are subject to additional disclosure restrictions.

### QUESTION

Update OLR report 1999-R-0391 on the sale of driver license information by the Department of Motor Vehicles (DMV).

### SUMMARY

By law, DMV may, under certain circumstances, disclose to private requestors certain information from driver license, registration, and some other files it maintains. Connecticut's law substantially conforms to federal requirements on driver privacy.

State law allows DMV to disclose personal information from license, registration, and driver history records to (1) a government agency requesting information in its official functions and (2) any other requestor who certifies in a sworn affidavit that the information is requested for one of several specific purposes the law authorizes. Additionally, DMV may disclose an individual's personal information to the individual and to any person who certifies that they have individual's express consent ([CGS § 14-10](#)).

Personal information subject to this limited disclosure includes driver's license number, name, address (but not zip code), telephone number, and email address. Accident or violation history and information on license, registration, or insurance status are not considered

personal information. A person's photograph or computerized image, Social Security number, and medical or disability information are considered "highly restricted personal information" and are subject to disclosure restrictions established in the federal Driver Privacy Protection Act (DPPA).

Requestors must pay the statutorily required fee for the type of information requested. DMV record fees are governed by a separate statute ([CGS § 14-50a](#)), not the Freedom of Information law fees. DMV may discount these fees under volume-based contracts with any person or business the commissioner is satisfied properly requires this information for business purposes. DMV currently has 28 such volume access contracts and receives requests from many government agencies.

DMV processes approximately 1.5 million records each year. The requests generated \$23.5 million in FY 13 for the Special Transportation Fund. The state recently approved a proposal to build an online portal to handle records requests for DMV. The department will retain control over the records and will transmit records directly to requestors.

## **INFORMATION DISCLOSURE**

### ***The Federal Driver Privacy Protection Act (DPPA)***

The DPPA generally prohibits state motor vehicle agencies from knowingly disclosing personal information about anyone for whom such information is acquired in connection with a motor vehicle record, but it identifies certain purposes that are considered "permissible uses" (18 USC § 2721). Connecticut's law adopts many of the permissible uses, but does not include them all.

State laws had to "substantially comply" with the standards in the DPPA by September 13, 1997. A state motor vehicle agency with policies or practices in substantial noncompliance is subject to a daily civil penalty of up to \$5,000 imposed by the U.S. attorney general, among other sanctions.

### ***Connecticut Law***

State law on disclosing DMV records ([CGS § 14-10](#)) has changed since 1999 mostly to conform to the DPPA. The law permits DMV to disclose personal information to: (1) government agencies that need the information to carry out their duties, (2) the individual who is the subject of the information, and (3) someone who has the individual's express consent. It also allows DMV to disclose certain personal information (i.e., driver's license number, name, address, telephone number, and email address) from license and registration records for any of these purposes:

1. in connection with matters of motor vehicle or driver safety or theft, emissions, vehicle product alterations, recalls, or advisories, performance monitoring of vehicles and dealers by manufacturers, vehicle market research activities, vehicle product and service communications, and removal of nonowner records from manufacturers' original owner records under several specific federal laws and any state laws enacted to comply with them;
2. in connection with the matters listed above, and for producing statistical reports, as long as the information is not published, disclosed, or used to contact individuals except as permitted to comply with the specified laws;
3. in the normal course of the requestor's business, but only to confirm the accuracy of personal information submitted to the requestor by the individual;
4. in connection with any civil, criminal, administrative, or arbitration proceeding in a court, government agency, or self-regulatory body, including process service, an investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or under a court order when the requestor is an interested party in the proceeding;
5. by an insurer or insurance support organization, or by a self-insured entity, its agents, employees, or contractors if the request is related to investigating policy claims, anti-fraud activities, rating, or underwriting;
6. to provide legally required notice to owners or lienholders named in title certificates of towed, abandoned, or impounded vehicles;
7. by an employer, its agent, or its insurer to obtain or verify information about someone with a passenger endorsement or a commercial driver's license required under federal or state law;
8. in connection with any lawful purpose of a labor organization with an approved information contract with DMV and on terms or conditions the commissioner requires and the contract specifies, but not for campaign or political purposes;
9. for bulk distribution of surveys, marketing, or solicitations if the commissioner has obtained the individual's express consent;
10. to prevent fraud by verifying the accuracy of personal information as submitted by an individual to a legitimate business, provided the individual has provided express consent;
11. to include personal information about individuals who consented to be an organ and tissue donor in a donor registry established by a procurement organization;

12. for use by a private detective in connection with an investigation involving matters about motor vehicles; and
13. for use by a state marshal in performing execution duties and process service.

The federal laws to which items (1) and (2) above refer are the Automobile Information Disclosure Act, the Motor Vehicle Information and Cost Saving Act, the National Traffic and Motor Vehicle Safety Act of 1966, the Anti-Car Theft Act of 1992, and the Clean Air Act.

Highly restricted personal information (i.e., photographs or computerized images, Social Security numbers, and medical or disability information) can only be released to a government agency requesting information in its official functions or for court proceedings, insurance investigations, or passenger endorsement verification (see numbers 4, 5, and 7 above).

## **SALE OF INFORMATION**

Every requestor must sign an [agreement](#) with DMV stating under what exception they are authorized to receive the personal information. DMV sells records only to a government or private entity that is legally authorized to receive them under the DPPA and state law. Anyone who receives information under the law may not resell or redisclose the information unless for an allowed purpose. Releasing personal information for purposes not authorized by law is a class A misdemeanor.

### ***Fees for Data***

Currently, DMV processes all requests and charges \$15 for driver history records, processing approximately 1.5 million records each year. In FYs 12 and 13, these requests generated \$23.6 million and \$23.5 million, respectively, for the Special Transportation Fund. The state's Finance Advisory Committee recently approved a proposal to contract with a vendor to create a new state online portal for: (1) providing billing and collection services on behalf of DMV and (2) marketing DMV data to vendors. Under the proposal, DMV would increase the request fee by \$3 and institute a \$100 annual subscription fee on for-profit businesses obtaining driver history records. The increased fees would be used to support the new web portal.

The portal would manage the transaction functions of records requests. DMV would determine what entities receive the records and for what purposes. It would continue to transmit its own records directly to entities.

### ***Volume Access Contracts***

DMV currently has 28 contracts with different entities for high-volume access to its files. These include eight contracts with commercial users to access driver history records, 12 contracts to access parking ticket violations, two contracts to access registration and title data, four contracts to access operator license data, and two contracts to access motor boat data.

DMV also provides information to the Connecticut Tax Collector Association (90 municipal members) and Connecticut Association of Assessing Officers (40 municipal members) through the department's online data file. It also releases information to 20 state agencies with which it has memorandums of understanding, and to federal agencies as needed.

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