



Motor Vehicle Division Administrative Memo # 23- 03 ***Identifying PII and Records Containing PII***

DATE: September 25, 2023

FROM: Privacy Team, Systems & Administration, Motor Vehicle Division

TO: All Motor Vehicle Division Staff

EFFECTIVE: Immediately

SUBJECT

The Iowa DOT is the custodian of an enormous amount of data and receives hundreds of requests daily from individuals, companies and other government agencies seeking access to records and data. Much of this data is protected by federal and state law, known as Driver Privacy Protection Act (the DPPA)(18 U.S.C. 2721-25) and state law (Iowa Code 321.11). These laws prohibit the release or use of personal information contained in an individual's driver's license, identification card, or motor vehicle record and provides limited exceptions under which that data can be shared. The DPPA also sets penalties for violations and make violators liable in a civil action to the individual whose information was improperly released. As an organization responsible for the PII of millions, efforts must be made to mitigate the risk of improper release of PII (Personally Identifiable Information). This memo will aid in quickly identifying PII and insuring consistency when reviewing data and/or records requests.

EXPLANATION

The number of incoming requests for individual records, access to our databases, document requests and data queries is high and unlikely to decrease. We are charged with the custody and proper care of our customer's PII and will benefit from tools that aid in quickly and accurately identifying PII and ensuring that PII is released only when appropriate and with the proper documentation demonstrating the requester meets a legally allowable exception. The penalty for inappropriate release of records containing PII can lead to a minimum of \$2500 per record released, so it is ethically and fiscally responsible to ensure that data is released only when a legally allowed exception is demonstrated.

QUESTIONS AND ANSWERS:

WHAT DATA IS PERSONALLY IDENTIFIABLE INFORMATION (PII)?

A quick guideline in determining what is considered to PII, is almost any data found on a driver's license, in the driver record, on a vehicle title, registration receipt or re-registration receipt. There are exceptions, so please see the list below. **Not all protected data is PII, but all PII is protected data.**

WHAT QUALIFIES AS PII?

- Name/Name of Vehicle Owner/Name of Vehicle Leasee/Name of Primary Driver
- Driver's License Number
- Street Address
- City
- County
- State
- Date of Birth
- Height
- Weight

- Sex
- Eye Color
- VIN
- Phone number
- Social Security Number (SSN)
- Photo
- Medical Certificate, if on driver record
- Medical, Mental Health or Disability Data (such as medical reports, vision reports, or persons with disabilities parking information)*

*Release of medical information also requires a completed Medical Release of Information form.

WHAT DRIVER OR VEHICLE DATA IS NOT PROTECTED DATA?

- 5-digit Zip Code (9-digit zip code is protected)
- License Status
- Customer Number
- Make/Model/Color/Year of vehicles
- Events on a driving record are not protected, such as:
 - Convictions
 - Accidents (although crash reports are restricted)
 - Suspensions/Revocations/Cancellations/Barred/Disqualifications
 - Reinstatement requirements (including SR-22)

WHAT DOES A REQUESTOR NEED TO PROVIDE IN ORDER TO OBTAIN RECORDS CONTAINING PII FROM THE DOT?

- Most requesters must submit:
 - A properly completed DPPA/Privacy Act Agreement/Form #431069.
 - Legible photocopy of the requester's driver's license
 - Depending on the exception under Part C the requester has initialed, the requester may need to submit additional supporting documentation.

There is a lot of information and questions on the DPPA form, please encourage the customer to review the form carefully so no needed information is missed as part of the submission of the form.

- Law enforcement and county attorneys acting in their official capacity must submit:
 - A modified DPPA form (#432069)
 - Legible photocopy of driver's license or ID card (or provide the last 5 digits of their SSN and the "DD" number on their Iowa DL/ID)
 - Proof of authority (explained below)

ARE THERE EXCEPTIONS UNDER WHICH THE DOT CAN PROVIDE DATA WITHOUT A DPPA/PRIVACY AGREEMENT FORM?

Yes, but they are very limited and will contain no PII.

- Aggregate data: Aggregate data contains no PII. An example of an aggregate data request would be "the total number of Ford pick-up trucks registered in the state of Iowa" or "the total number of SR-22 certificates received by the Iowa DOT in 2021". If you have any questions about whether a data request is asking for aggregate numbers, please consult with the Privacy Team.
- De-identified data: there are limited circumstances in which a data set may contain elements that are PII, but the nature of that data set is such that it is impossible to determine the identify of any

individual within the set of data. This doesn't happen often, but if you think you have a situation in which a requested document contains de-identified data, please confirm with the Privacy Team prior to releasing that report.

CAN THE DOT PROVIDE A PERSON'S OWN DRIVING RECORD TO THEM WITHOUT A DPPA FORM?

Yes, in two ways:

- A driver may purchase their own certified driving record or view a non-certified record via MyMVD.
- If a customer is visiting a driver's license center in-person and requests to purchase or view their own driving records, we may provide it to them after confirming their identity by either confirming their driver's license/identification card or performing a check of their last photo on file.

However, if a customer is requesting a copy of their driving record via mail/e-mail, we must determine whether the person really is requesting their own record by requiring a complete DPPA form and proof of their identity. This includes requests for other driver related documents, including but not limited to, sanction notices, lift notices, driver's license applications, etc.

IF CONVICTIONS, ACCIDENTS, AND SANCTIONS ARE NOT CONSIDERED PROTECTED DATA, CAN WE PROVIDE COPIES OF THESE DOCUMENTS, IF REQUESTED?

No. These documents (crash reports, sanction notices, or conviction records) contain PII and we are required to secure a DPPA form to release them; all DPPA policies apply.

However, the type of violation, date of violation, date of conviction, type of sanction (suspension, revocation, etc.), date/location of crash, and sanction effective/ending dates are not PII and we can provide this information to any requestor who has provided sufficient information to identify the record holder (full name and date of birth, driver's license number, or SS number). This non-protected data is typically requested and provided over the phone when a customer wants to discuss a driving record.

WHAT IF THE CUSTOMER IS REQUESTING COPIES OF DOCUMENTS THAT WE HAVE ALREADY MAILED TO THEM?

We can print another copy and mail it to the same address that the original document was mailed to. If the customer is no longer residing at that address, they will need to log into myMVD and update their address or complete the change of mailing address form (430012), and then we can mail the correspondence to the new address.

WHAT DOCUMENTATION DOES THE DOT REQUIRE TO RELEASE PII TO ANYONE OTHER THAN THE RECORDHOLDER?

The Requester should check the box on the DPPA form that says: *I am requesting the record of another person and I have attached their written consent.* The DPPA form must have a legible copy of the requester's DL attached, the written permission of the record holder and a legible photocopy of the record holder's DL to ensure the identity of the person granting permission. Parents and guardians requesting records may also be asked to provide documents verifying custody, guardianship or power of attorney. Questions can be directed to the Privacy Team at privacy.agreements@iowadot.us

CAN AN ATTORNEY REQUEST A RECORD OF HIS/HER CLIENT WITHOUT SUBMITTING A DPPA TO THE DOT?

No. A properly completed DPPA form is required, with proof of identification and the attorney's status. A screen shot from the attorney's state licensing authority, listing the attorney's status, is preferred. A photocopy of their Certificate of Admission to the bar is acceptable. Attorneys will need to follow these same guidelines to access other driver related documents, including but not limited to, sanction notices, lift notices, driver's license applications, etc.

CAN AN INSURANCE COMPANY REQUEST A RECORD OF THEIR INSURED FROM THE DOT WITHOUT A DPPA?

No. A properly completed DPPA form is required, with proof of identification **and** proof of employment with an

insurer or an insurance support agency.

WHAT IF THE DOT RECEIVES A REQUEST FOR PII, INCLUDING A SOCIAL SECURITY NUMBER (SSN)?

Please refer to the Privacy Team. Access to SSNs is very limited.

WHAT IF A REQUESTOR SPECIFICALLY ASKS FOR MEDICAL AND/OR MENTAL HEALTH RECORDS?

A properly completed DPPA form, or subpoena is not enough. Medical records and mental health records require an additional, specific Medical Release of Information signed by the person whose records are being requested. This also applies to medical/vision reports submitted as part of re-examinations.

In the event that you receive a request like this, please refer it to the Privacy Team for processing.

IS A REPRESENTATIVE OF A GOVERNMENT AGENCY (COUNTY ATTORNEY, COUNTY TREASURER, LAW ENFORCEMENT OFFICER) REQUIRED TO COMPLETE A DPPA TO OBTAIN DRIVER OR VEHICLE RECORDS FROM THE DOT?

Yes, the specific governmental/law enforcement DPPA form #432069 can be used. These requesters will also need to provide:

- Proof of identity which can be satisfied by providing a photocopy of their DL/ID card (address and photo can be redacted, but the name of the requester, expiration date, and DL/ID number should be visible) or by providing the "DD" number from their Iowa DL/ID.
- Proof of authority (LE, employer of an insurer or insurance organization, attorney, employee of a government agency, PI, etc.). This can be done with a letter from management on letterhead.

FMCSA is granted the same special status as law enforcement as the organization coordinates records information with law enforcement.

Any questions or exception requests should be directed to the Privacy Team at privacy.agreements@iowadot.us

IS A DPPA REQUIRED TO RELEASE A CRASH REPORT?

No, however, form 431007, Request for Copy of Investigating Officer's Report of an Accident must be completed.

Crash reports are protected under 321.271 and can only be released to a party of the accident, his/her insurance company or its agent, the party's attorney, the Federal Motor Carrier Safety Administration, or the attorney general.

DOES DPPA STILL APPLY FOR DECEASED PERSONS?

Yes, we are required to protect the data of all individuals, including those who are deceased.

DOES DPPA APPLY IF THE RECORD HOLDER IS A BUSINESS?

Yes, any information that is considered PII cannot be released without properly securing a completed DPPA.

DO THE COUNTY TREASURERS FOLLOW THE SAME RULES FOR ACCESS TO PII AS THE DOT?

County Treasurer offices are also subject to state and federal DPPA laws, and county treasurers who offer driver's license services are bound by the terms and conditions of their 28E agreements with the DOT to comply with these privacy laws. However, each county may have their own procedures, forms, or protocols. Please check with an individual County Treasurer office for their processes, policies, and procedures.

WHAT ARE THE DIFFERENT WAYS A DPPA FORM CAN BE SUBMITTED TO THE DOT?

Requesters are allowed to transmit the DPPA form and the accompanying documentation (express written consent of recordholder, DL/ID photocopy, etc.) in any way that is convenient for them including postal mail, email, in-person, or fax.

WHAT HAPPENS TO THE DPPA AFTER IT HAS BEEN PROCESSED?

DPPA forms should be indexed under index code DPPA or DPPAV and saved in the appropriate folder depending on what is being requested after processing.

CAN A DOT TEAM MEMBER EMAIL DOT RECORDS WITH PII TO THE REQUESTOR?

Yes. After properly vetting the requestor, documents containing PII may be emailed.

- When a Requestor submits a completed privacy agreement, the documents containing PII will be securely sent to the email address listed on the privacy agreement.
- When a Requestor is experiencing a hardship and needs documents emailed to them to remedy the situation immediately, the Requestor will be required to email us a copy of their current driver's license or non-driver ID card or the last 5 of their DD number printed on the bottom of their Iowa credential. Once staff verifies identity, they must securely respond to the same email address and attach the requested documents containing PII. An example of such a hardship would be if a CDL driver is stuck at a weigh station and needs a rescind notice or cab card from us to get back on the road. *

*We should only be accepting email requests for records from the recordholder themselves. This process should not replace the full DPPA process. Requests for documents that do not belong to the Requestor should complete the full DPPA process.

Records fees still apply. We cannot email certified driving records, vehicle records, crash reports, etc., without payment.

HOW DO YOU SEND A SECURE EMAIL?

All emails that contain PII must be sent via secure email by one of the following methods:

- Type the word SECUREMAIL at the beginning of your Subject line. Then compose and send your email as usual.
- Follow the instructions for using the DOT secure file transfer protocol (FTP) for DOT users and external customers found on DOTNET: <https://iowadot.gov/dotnet/infotech/docs/Secure%20FTP.pdf?ver=alpPUJaAnHlj9SM8fFSQsg%3d%3d>

WHAT IF STATE OFFICES RECEIVE A SUBPOENA FOR RECORDS?

Subpoenas served to State DOT offices should be forwarded to Subpoena, DOT [DOT] DOT.Subpoena@iowadot.us for proper processing. DPPA's are not required for properly served subpoenas.

WHAT IF COUNTY OFFICES RECEIVE A SUBPOENA FOR RECORDS?

Subpoenas served to County offices will need to be answered directly from the office that received them. Please consult with county leadership regarding the proper processing procedures for your county. If the subpoena asks for records that belong to the DOT, please contact Subpoena, DOT [DOT] DOT.Subpoena@iowadot.us for assistance gathering DOT records. If you are unsure of what constitutes a county-held record versus a DOT-held record, refer to AM #23-04 or contact the Privacy Team for clarification.

ARE THERE SOME ADDITIONAL LINKS TO HELPFUL RESOURCES AVAILABLE TO EXPAND MY UNDERSTANDING OF PII AND THE RULES OF THE DPPA LAWS?

Yes, in addition to this memo there is a DPPA training available to all through DOTU. There is also an easy chart guide in ARTS, or visit one of the resources below:

Accident Reports: <https://iowadot.gov/mvd/driverslicense/accidents>

DL Records: <https://iowadot.gov/mvd/driverslicense/records>

Vehicle Records: <https://iowadot.gov/mvd/vehicleregistration/records>

Standard DPPA form 431069: <https://iowadot.seamlessdocs.com/f/PrivacyActAgreement>

County attorney/law enforcement DPPA form 432069:

<https://iowadot.seamlessdocs.com/f/CO22071000351603272>

Crash report request form 431007: <https://iowadot.seamlessdocs.com/f/ReqCopyInvestOfficerRpt>

Medical release of information template: <https://eforms.com/images/2016/10/Iowa-HIPAA-Medical-Release-Form.pdf>

WHO IS THE POINT OF CONTACT FOR ANY QUESTIONS?

Questions can be directed to the Privacy Team at privacy.agreements@iowadot.us