

## DPPA and Personally Identifiable Information (PII)

MVD Learning and Development

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 identifiable information (PII) 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 following information will assist you with identifying PII and assisting customers with their records requests. Please reference Informational Memo 23-03, Identifying PII and Records Containing PII for full details.

### 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
- 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.*

## Highly restricted personal information:

### 18 U.S.C. 27254(4) defines highly restricted personal information as:

- An individual's photograph or image
- Social security number
- Medical or disability information

### Highly restricted personal information can only be disclosed for the following reasons:

- When the record owner provides express written consent.\*
- For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.
- For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.
- For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.
- For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49.

\*761-301.5(4) states:

*Personal information and highly restricted personal information, except for an individual's photograph or image, may be disclosed with the express written consent of the individual or vehicle owner to whom such information applies.*

*When the requester has obtained the written consent of the individual or vehicle owner to whom the information applies, the requester must attach that written consent on a completed Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and submit the form to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321).*

*An individual's signature on the document providing express written consent allowing disclosure of the individual's personal information to another person must be notarized, or in the alternative, the signed written consent document must be accompanied by a copy of the individual's driver's license or nonoperator's identification card.*

## Releasing Records Containing PII

Anyone requesting records containing PII should be properly identified. County attorney and law enforcement offices are subject to a modified identification process.\* The Motor Vehicle Division requires each Requestor to complete Form 431069, Privacy Act Agreement for Request of Motor Vehicle Records, and provide proof of their personal identity by providing a copy of their non-expired driver's license or non-driver identification card (passports are not acceptable proof). Most requestors will also be required to provide proof of their status/employment:

- Government employees and law enforcement – employee ID or employer signed statement on business letterhead
- Practicing attorneys – certificate of admission to the bar or screenshot of the judicial branch's website showing the attorney to be in good standing
- Employee of an insurer or insurance support organization – proof of employment; employee ID or employer signed statement on business letter
- Employer or insurer of a CDL licensed driver- proof of employment; employee ID or employer signed statement on business letter
- Persons using the records in the normal course of business to perfect a security interest (financial institutions, dealerships) or to collect on a debt (mechanics lien) – business tax ID number
- Licensed private investigators or licensed security officers – individual PI ID issued by the Department of Public Safety and copy of the business license
- Persons affiliated with a private toll transportation facility – licensing entity and license number

\*Form 432069, Law Enforcement/County Attorney Privacy Act Agreement for Request of Motor Vehicle Records, has been modified to allow for some of the Requestor's personal identity to remain confidential, such as address and photograph.

### **Law enforcement and government agencies are eligible to full access of vehicle records with proper identification.**

Only law enforcement, government agencies, a contract employee with the department of inspections and appeals, or a licensed private investigator or licensed security officer, are eligible to obtain personal information when the requestor presents only a license plate number.

Any other qualified requestor that presents only a license plate number is not eligible for personal information (PII must be redacted). When a qualified requestor presents a VIN number, they are eligible to obtain personal information, not including SSN, which is highly restricted.