

## **Motor Vehicle Division Informational Memo # 22-01**

### ***Driver's Privacy Protection Act Administrative Rule Updates***

**DATE:** January 3, 2022

**FROM:** MVD Policy & Compliance Team

**TO:** All Motor Vehicle Division staff, Iowa County Treasurers and County Treasurer's staff that issue driver's licenses and non-operator's identification cards

#### **SUBJECT**

This informational memo explains new administrative rule chapter 761—301, Driver's Privacy Protection Act (DPPA).

#### **SUMMARY**

This rule making adopts new Chapter 301, which combines content from current Chapters 415, 610 and 611, related to motor vehicle records and the Driver's Privacy Protection Act (DPPA). The purpose of creating this new chapter is to join chapters with similar content and reduce the number of places an interested party would need to check to determine the privacy requirements related to personal information contained in motor vehicle records protected under the DPPA and to align the rules with current department procedures. With the adoption of new Chapter 301, the three current rule chapters 415, 610, and 611 will be rescinded.

In addition to simply combining content from three separate chapters into one chapter, the rule making makes the following updates to align with current department practices:

**Motor Vehicle Records Access.** The rules outline the process for accessing a motor vehicle record containing personal information depending on if the requester is seeking a motor vehicle record that contains personal information about another individual, is a law enforcement agency, or if the requester is seeking information from the requester's own motor vehicle records. The rule states that the department shall not release any personal information if requested by vehicle license plate number or validation sticker number, except as provided in Iowa Code section 321.11. The rules also provide that all requesters who obtain personal information from the Department are required to comply with the provisions of Iowa Code section 321.11 and the DPPA.

**Electronic motor vehicle records.** We have the ability to create an electronic file of motor vehicle records for authorized requesters under the DPPA and the rule provides we may either require the privacy act form to be completed or may enter into a memorandum of understanding governing the terms of accessing motor vehicle records electronically.

This memo is most applicable to staff that process requests for motor vehicle records under the DPPA.

**The administrative rule amendments are effective January 5, 2022.**

**LINK TO ADMINISTRATIVE RULES**

<https://www.legis.iowa.gov/docs/aco/arc/6060C.pdf>

**CURRENT**

The rules outlining DPPA requirements for MVD records used to be spread out amongst three different rule chapters. The rules also did not fully outline all of the department procedures related to requests for MVD records covered by the DPPA.

**NEW**

As of January 5, 2022, the rules will align with existing legal authority and our current processes outlined in the summary above.

**BUSINESS IMPACT**

This directive does not significantly impact the way that MVD operates as this rulemaking aligns with current department practices.