

**To: House and Senate Committees on Judiciary
House and Senate Committees on Transportation
House Ways and Means
Senate Committees on Finance**

From: Wanda Minoli, Commissioner, Department of Motor Vehicles

Date: January 15, 2021

Subject: Annual Report – Driver’s Privacy Protection Act

Background:

In 1994 Congress enacted the Driver’s Privacy Protection Act, also known as DPPA to protect the personal information contained on an individual’s vehicle records. Personal information is information that identifies an individual, such as name, address, telephone number, medical or disability information, photograph or digital image, and license or social security number. Information relating to motor vehicle accidents, driving violations, or a driver’s license.

In accordance with Act 149 of 2020 Section 27, the Department of Motor Vehicles has prepared the following report on the changes the Department has made to its policies and practices surrounding the release of personal information pursuant to 23 V.S.A § 104 and 114.

1. Permissive disclosures under DPPA the department is and is not releasing information.

A. Releasing pursuant to

- 18 U.S.C. §2721(b)(1)
 - Government Agency, including any court or law enforcement agency, in carrying out its functions or any private person or entity on behalf of a Federal, State, or local agency in carrying out its functions.
- 18 U.S.C. §2721(b)(2)
 - Motor vehicle or Driver Safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research.
- 18 U.S.C. §2721(b)(3)(A)
 - For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors..
- 18 U.S.C. §2721(b)(4)
 - 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 judgements and orders, or pursuant to an order of a Federal, State of local court.
- 18 U.S.C. §2721(b)(5) – research activities
 - *Requested data for research activities will be shared, but personal information is not disclosed.*

- 18 U.S.C. §2721(b)(6)
 - For use by an 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.
- 18 U.S.C §2721(b)(9)
 - 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.

B. Not releasing pursuant to:

- 18 U.S.C. §2721(b)(3)(B)
 - For use in the normal course of business by a legitimate business or its agents, employees, or contractors,
- 18 U.S.C. §2721(b)(7) - owner or lien-holder of towed or impounded vehicle
 - *Owners or lien-holders of towed or impounded vehicles may use the existing abandoned vehicle process to gather any information contained in DMV records.*
- 18 U.S.C. §2721(b)(8) – Private Investigators
 - *Private investigators may access information in DMV records through any of the other relevant permissive uses under which the Department shares information.*
- 18 U.S.C. §2721(b)(10) - Private toll operators
 - *Currently do not receive requests from private toll operators; information shared with state toll authorities is shared under 18 U.S.C. §2721(b)(1).*
- 18 U.S.C. §2721(b)(12) – Bulk distributions for surveys, marking of solicitations
 - *The sale of information contained in Department records for survey or solicitation does not benefit Vermonters.*

2. Statistics for calendar year 2020 (new applicants) on the number of requests under each permissive disclosure and the breakdown of how many were:

A. Approved:

Permissive Disclosure	Type of Disclosure	Total Approved
18 U.S.C. §2721(b)(1)	For use by any government agencies	3
18 U.S.C. §2721(b)(2)	Driver safety and theft	0
18 U.S.C. §2721(b)(3)	Verifying personal info	18
18 U.S.C. §2721(b)(4)	Court & government proceedings	0
18 U.S.C. §2721(b)(5)	Research activities	0
18 U.S.C. §2721(b)(6)	Insurer/insurance company	3
18 U.S.C. §2721(b)(9)	Verifying CDLs	15
18 U.S.C. §2721(b)(11)	Requests for individual information w/consent from individual to whom personal information pertains	3

B. Denied in 2020:¹

Permissive disclosure	Type of Disclosure	Total Denied
18 U.S.C. §2721(b)(2)	Driver safety and theft	2

¹ The type of business requesting the information does not qualify for the information they are requesting

C. Ongoing requests:²

Permissive Disclosure	Type of Disclosure	Total Approved
18 U.S.C. §2721(b)(1)	For use by any government agencies	24
18 U.S.C. §2721(b)(2)	Driver safety and theft	3
18 U.S.C. §2721(b)(3)	Verifying personal info	85
18 U.S.C. §2721(b)(4)	Court & government proceedings	11
18 U.S.C. §2721(b)(5)	Research activities	1
18 U.S.C. §2721(b)(6)	Insurer/insurance company	16
18 U.S.C. §2721(b)(7)	Towed/impounded vehicles	2
18 U.S.C. §2721(b)(8)	Private investigators	0
18 U.S.C. §2721(b)(9)	Verifying CDLs	72
18 U.S.C. §2721(b)(10)	Private toll transportation facilities	1
18 U.S.C. §2721(b)(11)	Requests for individual information w/consent from individual to whom personal information pertains	15

D. Made on behalf of another person, as defined in 1 V.S.A. §128.

"Person" shall include any natural person, corporation, municipality, the State of Vermont or any department, agency, or subdivision of the State, and any partnership, unincorporated association, or other legal entity. (Amended 1969, No. 207 (Adj. Sess.), § 2, eff. March 24, 1970.)

Total number of paid driving records in 2020: 243,874

Total number of free driving records in 2020: 7,206

Total driving records provided in 2020: 251,080³

3. Total number of unique persons who requested information under each permissive disclosure:

- 5,487 number of records sold by DMV.⁴
- 170 unique individuals/corporations requested driving records through online portal

4. Updates to policies, procedures, and documents used by the Department related to permissive disclosures.

In 2020 all customer contracts were reviewed which resulted in 10 requestors with no agreement. Each requestor was contacted and initiated a new agreement or stopped services. Annually in March of each year DMV and National Information Consortium (NIC) jointly will review policy and procedures. The items listed with no revenue are either obsolete or not compliant with DPPA or information is now available through other modernization efforts.

All updated forms can be found at the end of this report.

Attachment A: Driver Privacy Protection Policy

Attachment B: VG-116 Vermont DMV Record Request

Attachment C: VG-118 Driver Privacy Protection Act Agreement

Attachment D: DMV Approval Letter

² Ongoing requests include individuals contained in 2A

³ These requests are thru NIC (National Information Consortium)

⁴ Could be purchased by a qualifying individual or the actual individual

5. Breakdown of fees collected in calendar year 2020 broken out by authorizing subdivision under 23 V.S.A. § 114 (a) and an explanation of what proportion was deposited in the Transportation Fund.

Authorizing Subdivision of 23 V.S.A. §114	Fees Collected
23 V.S.A. §114(a)(1) Listings of 1-4 current or expired registrations	0
23 V.S.A. §114(a)(2) Certified copy of current or original registration application	\$932.00
23 V.S.A. §114(a)(3) Sample plates	\$18.00
23 V.S.A. §114(a)(4) Lists of registered dealers, transporters, periodic inspection stations, rental vehicle companies, fuel dealers and distributors (including gallons sold or delivered)	0
23 V.S.A. §114(a)(5) Repealed	0
23 V.S.A. §114(a)(6) Periodic inspection sticker record	0
23 V.S.A. §114(a)(7) Certified copy of individual accident report	\$2,304.00
23 V.S.A. §114(a)(8) Certified copy police accident report	\$18,360.00
23 V.S.A. §114(a)(9) Certified copy of suspension notice	\$ 56.00
23 V.S.A. §114(a)(10) Certified copy of mail receipt	0
23 V.S.A. §114(a)(11) Certified copy of proof of mailing	0
23 V.S.A. §114(a)(12) Certified copy of reinstatement notice	104.00
23 V.S.A. §114(a)(13) Certified copy of operator's license application	\$24.00
23 V.S.A. §114(a)(14) Certified copy of 3-year operating records (Vermont only)	\$3,441,046.00
23 V.S.A. §114(a)(15) Repealed	0
23 V.S.A. §114(a)(16) Government official photo identification card	\$18.00
23 V.S.A. §114(a)(17) Listing of 1-4 current or expired operator's license	0
23 V.S.A. §114(a)(18) Statistics and research	\$931.00
23 V.S.A. §114(a)(19) Insurance information of accident	
23 V.S.A. §114(a)(20) Certified copy of complete operating record (Vermont only)	\$40,872.00
23 V.S.A. §114(a)(21) Records not otherwise specified	0
23 V.S.A. §114(a)(22) Public records request for Department records requiring customer per hour, but not computer programming less than	0
23 V.S.A. §114(a)(23) Public records request for Department records requiring custom computer programming (updated)	\$50,211.00

All fees collected for the above transactions have been deposited into the Transportation Fund.

01/12/21

NAME: TEST,MVR,9 VERMONT PID: 31131154
ADDRESS: BIRTH DATE: 07-15-85
LICENSE EXP DT:

NO VERMONT LICENSE, ACTIVE SUSPENSION , ENDORSEMENTS-
NO ACCIDENTS
NO CONVICTIONS/ADJUDICATIONS

SUSPENSION/REVOCATION/DISQUALIFICATION RECORD:

EFFECTIVE	TERM	NUMBER	CAUSE	REINSTATED	CV	HM
12-29-98	0030	CONV 84211	PTS			
09-18-03	090D	CASE 74247	CA1		9	9
06-08-04	018M	CASE 74293	CT1		9	9
01-10-05	LIFE	CASE 77001	LIF		9	9

FINANCIAL RESPONSIBILITY INSURANCE REQUIRED FOLLOWING:

CONVICTION ON 06-03-96 NUMBER 84211 LSA
CONVICTION ON 03-24-99 NUMBER 94222 DLS
CASE ON 08-24-03 NUMBER 94224 INS

FINANCIAL RESPONSIBILITY SUSPENSIONS:

EFFECTIVE DATE 08-12-96

END OF DATA