

810-5-1-.485 Implementation of the Federal Driver's Privacy Protection Act (DPPA).

(1) As used in this rule, the following words and phrases shall have the following meanings:

(a) Department. The Alabama Department of Revenue.

(b) Agents or contractors. The various county officials responsible for the issuance of motor vehicle registrations and license plates and disability access parking credentials, and responsible for accepting applications for certificate of title; and other persons appointed by the Department as Designated Agents to perform duties under the Alabama Certificate of Title and Antitheft Act or the Manufactured Home Certificate of Title Act; further more, this term shall include any vendors having access to departmental records or files. This term shall not refer to persons who acquire registration and title information from the Department in accordance with provisions herein adopted.

(c) Disclose. To engage in any practice or conduct to make available and made known personal information contained in a motor vehicle record about a person to any other person, organization or entity, by any means of communication.

(d) Individual Record. A motor vehicle record containing personal information about a designated person whom is the subject of the record, as identified in a request.

(e) Motor Vehicle Record. Any record that pertains to an individual's Alabama motor vehicle operator's or driver's license or permit, registration record, disability access parking credential, an individual's motor vehicle title application, or to an individual's title issued by, or pending issuance, by the Department or agency authorized to issue any of such forms or credentials.

(f) Personal information. Information that identifies a person, including an individual's social security number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information.

(g) Record. Includes all books, papers, photographs, photostats, cards, films, tapes, recordings, electronic data, printouts or other documentary materials regardless of physical form or characteristics.

(2) Prohibition on disclosure and use of personal information from state motor vehicle records.

(a) Section 2721(a) of the Federal Driver's Privacy Protection Act of 1994[DPPA] (Title XXX of Public Law 103-322), reads as follows: "In General - Except as provided in subsection (b), a State department of motor vehicles, and

any officer, employee, or contractor, thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information about any individual obtained by the department in connection with a motor vehicle record."

(b) This section provides that the disclosure restrictions are applicable to motor vehicle records of individuals, and is not applicable to motor vehicle records of proprietorships, partnerships, corporations, associations, estates, trusts, limited liability partnerships or entities other than individuals.

(c) The Department hereby affirms that unless the owner provides express consent for the release of motor vehicle registration or title records, the records may not be released for marketing purposes under the provisions of the Permitted Disclosures paragraph of this rule. Release of personal information for non-marketing purposes can be made only in accordance with the provisions of this rule.

(d) The Department prohibits the release of any information on a motor vehicle record relating to an individual(s) medical or disability status, without express consent of the individual to whom the information pertains, except for uses permitted under Section 5 (a), (d), (f) and (i). This includes, but not limited to, information relating to a disability access parking application or issuance of a disability access distinctive plate or placard.

(e) Section 350 of Public Law 106-69 of the federal Driver's Privacy Protection Act prohibits the release of any specialized listing, printout, or document revealing an individual's name and address as it relates to a specific group(s) or individual(s) for marketing purposes including notices of appreciation unless express written consent of the individual is obtained. This specialized listing may include, but is not limited to, individuals that have acquired collegiate, commemorative, distinctive, military, organizational or personalized tags.

(3) Required disclosure.

(a) Personal information, as defined in Paragraph 1(f), shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of the Federal Automobile Information Disclosure Act, 15 USC 1231 et seq., the Motor Vehicle Information and Cost Saving Act, 15 USC 1901 et seq., the National Traffic and Motor Vehicle Safety Act of 1966, 15 USC 1381 et seq., the Anti-Car Theft Act of 1992, 15 USC 2021 et seq., and the Clean Air Act, 42 USC 7401 et seq., as amended, and all statutes and agency regulations enacted or adopted pursuant to the authority of, or to attain compliance with, the said Acts of Congress.

(4) Disclosure with Consent.

(a) Personal information referred to in Paragraph 1(f), may be disclosed to any requester, if such person demonstrates, by furnishing a complete request form, or by providing some other document which has been signed by the person(s) requesting the information, and by the person whose personal information was requested, giving consent to the release of the information. Release documents are not to be considered as perpetual; new release forms must be filed for each request.

(b) Personal information referred to in Paragraph 1(f) may be disclosed to an Executor(s), Executrix(s), Administrator(s), Administratrix(s), Conservator(s), Trustee(s), or other authorized requesting official, if such person(s) provides legal documentation substantiating authority to act in behalf of an individual. Legal documentation may be, but not limited to, a Power of Attorney, Letters of Administration, Letters of Testamentary, Letters of Conservatorship, and Trust Agreements. Legal documentation must be current and dated within 12 months from the date of the request for personal information.

(5) Permitted disclosures. Personal information, as defined in Paragraph 1(f), may be disclosed to any person by the Department on proof of the identity of the person requesting a record or records and representation by such person that the use of the personal information will be strictly limited to one or more of the following described uses:

(a) 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 government agency in carrying out its functions.

(b) For use in connection with matters of 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; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(c) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only-

1. to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

2. if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual.

(d) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any court or government 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 the court.

(e) For use in research activities and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact the individuals.

(f) 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, anti-fraud activities, rating or underwriting.

(g) For use in providing notice to the owners of towed or impounded vehicles; as required under Chapter 13 of Title 32 (Abandoned Motor Vehicles).

(h) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.

(i) 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 the Commercial Motor Vehicle Safety Act of 1986 (49 USC App. 2710 et seq.);

(j) For use in connection with the operation of private toll transportation facilities.

(k) For bulk distribution for surveys, marketing or solicitations, if the department has obtained the express consent of the person to whom such personal information pertains.

1. This section does not prohibit the release of non-personal information for marketing or other legal purposes in regards to a motor vehicle record. "Non-personal information includes any information relating to the vehicle description, issuance dates and expiration dates of motor vehicle records, and data other than personal data as defined in Paragraph 1(f). This section pertains only to an individual's motor vehicle records, and is not applicable to motor vehicle records pertaining to proprietorships, partnerships, corporations, associations, estates, trusts, limited liability partnerships, limited liability corporations, or other non-individual entities.

(l) For any other use in request for individual motor vehicle records, if the department has obtained the express consent of the individual to whom such personal information pertains.

(m) For any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

(6) Obtaining registration and title information under Permitted Disclosures (Paragraph 5):

(a) The Alabama Department of Revenue may provide personal information as authorized under Paragraph 5 ("Permitted Disclosures") upon receipt of a Form MVDPPA1 or authorized electronic inquiry from any person qualified to receive the information; provided, that any court, or governmental entity, including law enforcement officials, may request the information via written correspondence on agency letterhead, or by subpoena, or by telephone if the requesting party provides their Originating Agency Identifier ("ORI number").

(b) County officials involved in the issuance of motor vehicle registrations, or disability access credentials, or accepting applications for **certificate of title may provide the requested registration or disability access credentials information to any law enforcement agency, in carrying out its functions.** County license plate issuing officials are not authorized to disclose certificate of title information.

(c) The department may enter into a signed contract to release registration and title data for requests under Paragraph 5. If approved, the following procedures are applicable.

1. Motor vehicle registration and title data will be released in its entirety. There will be no selective releases.

2. The department will enter into a signed contract with the approved requester wherein a uniform set fee for all releases will be provided.

3. For any private company requesting data under Paragraph 5, the contract will state the restrictions as to use and retention of the data (and to whom provided) in accordance with the provisions of the Driver's Privacy Protection Act.

4. The department will indicate on the registration and title data which records have been authorized by express consent of the individual for release for marketing purposes under Paragraph 5 (k), and the requester is restricted to sending marketing and solicitations only to those persons who have provided express consent.

(7) Disclosure-Variou s Provisions.

(a) Upon written request, on Form MVDPPA1 or authorized electronic inquiry, and upon payment of the appropriate fee, any vehicle owner may obtain from the department or an agency or contractor thereof, a copy of the motor vehicle

registration and/or title record for any vehicle he/she presently owns or previously owned to the extent that the registration or records indicate ownership by that individual. The appropriate fee charged will be as specified under Chapter 8 of Title 32, Code of Alabama 1975.

(b) Section 2721(b)(1), which authorizes the use of personal data by "any governmental agency...in carrying out its functions", permits the release of personal information to an individual who acquires a motor vehicle and it is subsequently determined that the certificate of title is missing a signature of a previous owner or motor vehicle dealer, and said new owner must contact the individual who failed to provide the required signature.

(8) Resale or Redisclosure.

(a) An authorized recipient of personal information under subsection (k) of Paragraph 5, may not resell or redisclose the information. Any company receiving information under subsection (k) shall not resell listings of persons who have obtained disability access license plates as a distinct listing category because to do so would be in violation of the DPPA provisions against disclosing medical problems of such registrants.

(9) Certification.

(a) Records received from the department shall only be certified when such records are received in writing from the department and shall not include records provided via the internet or through a third party.

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