

# SambaSafety Frequently Asked Questions

## Drivers Privacy Protection Act

### What is The Drivers Privacy Protection Act (DPPA)?

The Drivers Privacy Protection Act (DPPA), 18 U.S.C. §2721 et. seq., was originally enacted in 1994 to protect the privacy of personal information assembled by State Department of Motor Vehicles (DMVs). The Drivers Privacy Protection Act safeguards the personal information of licensed drivers from improper use or disclosure.

### Why is the DPPA important to employers?

Because of the DPPA, state DMVs must restrict the use of personal information contained in driver records to those uses allowed by the Federal DPPA. The DPPA also defines criminal penalties and civil liability for violations.

### What are the permissible uses of a Driver's Motor Vehicle Record?

The only permitted uses as of 10/1/2003 are:

(1) personal information, as defined in 18 U.S.C. 2725(3), about any individual obtained by the department in connection with a motor vehicle record, except as provided in subsection (b) of this section; or

(2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, without the express consent of the person to whom such information applies, except uses permitted in subsections (b)(1), (b)(4), (b)(6), and (b)(9): Provided, That subsection (a)(2) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States. (b) Permissible Uses. - Personal information referred to in subsection (a) 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 titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and chapters 301, 305, and 321-331 of title 49, and, subject to subsection (a)(2), may be disclosed as follows:

- (1) 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.
- (2) 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.
- (3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only - (A) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and (B) 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.
- (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 judgments and orders, or pursuant to an order of a Federal, State, or local court.
- (5) 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 individuals.



**sambasafety**

SambaSafety®

8814 Horizon Blvd

Suite 100

Albuquerque, NM 87113

SALES

Phone: 888.947.2622 option 4

Fax: 505.341.4796

TECH SUPPORT

Phone: 888.947.2622

[www.sambasafety.com](http://www.sambasafety.com)

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- (6) 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.
- (7) For use in providing notice to the owners of towed or impounded vehicles.
- (8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.
- (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.
- (10) For use in connection with the operation of private toll transportation facilities.
- (11) For any other use in response to requests for individual motor vehicle records if the State has obtained the express consent of the person to whom such personal information pertains.
- (12) For bulk distribution for surveys, marketing or solicitations if the State has obtained the express consent of the person to whom such personal information pertains.
- (13) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.
- (14) For any other use specifically authorized under the law the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

IMPORTANT NOTE: Many states have statutes that are even more restrictive than the federal statute, so be sure to check state and local laws in your area.

### Can I use driver records to market?

Pragmatically the answer is no. The latest amendment to the DPPA requires states to get permission from individuals before their personal motor vehicle record may be sold or released to third-party marketers. If an individual has not affirmatively consented to the release of a motor vehicle record, the DPPA limits sharing of information once it is obtained, and statistics show that very few people elect to have their name added to the list.

### What personal information must be kept private?

The Drivers Privacy Protection Act requires all States to protect the privacy of personal information contained in an individual's motor vehicle record. This information includes the driver's name, address, phone number, Social Security Number, driver identification number, photograph, height, weight, gender, age, certain medical or disability information, and in some states, fingerprints. It does not include information concerning a driver's traffic violations, license status or accidents.

### Do states expand on the Federal DPPA requirements?

The DPPA, like many other privacy statutes, provides a federal baseline of protections for individuals. States must comply with the minimum requirements of the DPPA, but state legislatures may pass laws to supplement or increase the protections made by the DPPA. Many state adaptations are more restrictive than the federal rules.

### Where can I find my state rules and requirements regarding Motor Vehicle Records and privacy?

Unfortunately, there is no uniform method for codifying the DPPA in each state, and there are many variations. The best approach is to ask your state DMV or your attorney.

### Where can I get a copy of the MVR release forms for my employees to sign?

To download a sample employee release form, visit:

<http://www.sambasafety.com/contact-us/> and fill out your request for the form.