

## DMV Record Privacy Law Overview

Oregon's Record Privacy Law (ORS 802.175-802.191) went into effect on September 13<sup>th</sup>, 1997 and protects personal information contained in DMV records.

**Personal information is:** Name; Address; Driver License, Identification Card or Permit Number; Telephone Number. *Note: DMV does not normally capture telephone number.*

There are nineteen entities allowed to obtain personal information. Entities must provide proof of identity as well as certify that the personal information obtained will only be used for specific purposes defined in the Privacy Law.

## Driver and Vehicle Mailing Lists

On May 30, 2001 HB2138 became law, which ended the sale of mailing lists for bulk advertising purposes. Before HB2138 became law DMV was required to provide the lists containing the names and addresses of anyone that had not "opted-out". Opting-out meant that Oregon citizens had to notify DMV to remove their name and address from such lists. With the passage of HB 2138 all citizens were automatically "opted-out" and now must ask DMV to have their name and address placed on such a list. Since the law was amended in 2001 no citizen has asked to appear on such a list and no lists have been sold by DMV for bulk advertising purposes. However, lists sold prior to the law change are still in circulation. Also, government agencies and procurement organizations (organ donation) sometimes send surveys or solicitations to customers as part of their governmental functions. They are qualifying under a different section of the law than bulk advertisers.

## Confidential Information

Certain information contained in DMV motor vehicle records is confidential and generally not released. This information includes:

- **Social Security Numbers:** Only released to qualified government agencies.
- **Mother's Maiden Name and Place of Birth:** Used internally by DMV for verifying the identity of customers and generally not released.
- **Photographs:** Only available to law enforcement officials. (ORS 807.115)
- **Medical Information:** This information is generally not released.
- **Drug Test Results:** Only released with the permission of the person.
- **Legal Presence Indicator:** Only currently provided to the Secretary of State's Office for voter registration purposes.

## Local, State and Federal Agencies

Government agencies at the local, state and federal level are allowed to access personal information (Name, Address, Driver License Number, Telephone Number) from DMV records per Oregon's Record Privacy Law. (ORS 802.179(1)) in order to carry out their governmental functions. If the state or federal agency is also a law enforcement agency, they can request DMV photographs per ORS 807.115. Law enforcement does not have access to DMV facial recognition which can only be used by DMV for issuances of licenses and ID cards in field offices and subsequent fraud investigations if necessary. In addition, DMV does not capture race on DMV records.

## 19 Entities Allowed To Access Personal Information From DMV

1. Government Agencies in order to carry out their governmental functions. (This sometimes includes sending letters or surveys to individuals)
2. Motor Vehicle Manufacturers for recalls and safety advisories.
3. Legitimate Businesses to verify or correct personal information they have on file.
4. Attorneys, Financial Institutions, and Collection Agencies for legal proceedings or to collect debts. Note attorneys sometimes send solicitations to individuals offering their legal services.
5. Process Servers in order to serve process.
6. Researchers for research purposes but names are not provided and any personal information cannot be published in research results.
7. Insurers or Insurance Support Organizations for claims investigations, underwriting, or rating.
8. Tow Companies and persons required to give legal notice involving a vehicle.
9. Private Security Professionals to check on vehicles parked in parking lots over which they have control.
10. Toll Booths to collect tolls.
11. Bulk Distributors of surveys, solicitations and marketing materials **if** a citizen has requested to appear on such a list, but none have since 2001.
12. A person with a notarized permission slip from another person.
13. Disseminators (businesses that disseminate/sell information to others).
14. News Media for matters of public safety or related to motor vehicles.
15. Persons involved in a motor vehicle accident, their family or representative.
16. Persons with a financial interest in a motor vehicle.
17. Persons injured or with property damage due to the unsafe operation of a motor vehicle.
18. Private Investigators licensed in Oregon whose clients are other qualified entities.
19. Procurement Organizations in facilitating the making of anatomical gifts. (This sometimes includes sending mailers asking people to become organ donors.)