

**From:** [JOYCE Amy B](#)  
**To:** [Bender Steve](#)  
**Subject:** HB 2177 Follow-up information  
**Date:** Thursday, February 12, 2015 10:52:33 AM  
**Attachments:** [Privacy of DMV records - Overview 29Jan15.doc](#)

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Mr. Bender:

I have the information the members requested during the General Government subcommittee hearing on HB 2177 yesterday.

Question 1: Does the data sent by DMV to the Secretary of State go in one package or in several smaller packages?

Answer: The HAVA (Help America Vote Act) data is sent in one file; it is created from several DMV data sets. We send a separate file containing signature images. (DMV sends those image files for people who register to vote on-line.)

Question 2: Under current law what information may DMV release and to whom?

Answer: See attached document reflecting Oregon law on privacy of DMV records. It lists the entities that may receive information, and what information.

Please let me know if you or members have any other questions.

Thank you. Amy.

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## 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.

## 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 such as automobile dealerships, construction companies, property management companies and delivery services 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, primarily the insurance industry).
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 such as attorneys, insurance companies, or collection agencies.
19. Procurement Organizations including Pacific Northwest Transplant Bank in facilitating the making of anatomical gifts. (This includes sending mailers asking people to become organ donors.)