

ATTACHMENT A
Nebraska Department of Motor Vehicles
Uniform Motor Vehicle Records Disclosure Act
Memorandum of Understanding

The purpose of this Memorandum of Understanding is to make Subscribers who receive personal or sensitive personal information from a motor vehicle record through the Nebraska.gov state portal aware of the obligations imposed upon a requestor to comply with the Uniform Motor Vehicle Records Disclosure Act, Neb.Rev.Stat. 60-2901 et. seq. and the federal Driver Privacy Protection Act. 18 USC 2721 through 2725.

Information Protected.

Under the Act, as revised on June 1, 2000, a requestor must qualify in order to receive access to the personal information and sensitive personal information on any motor vehicle record.

- Personal information includes: an individual's driver identification number (driver's license number, license plate number or title number); name; address, (excluding zip code), and telephone number.
- Sensitive personal information includes an individual's operator license photo or image, social security number, and medical or disability information.

Personal information from a motor vehicle record shall not be disclosed unless requested for an exempted use, as outlined below, on a specified Department of Motor Vehicle ("Department") form.

Exempted uses for personal information include:

- Use by any federal, state, or local government agency, including any court or law enforcement agency, in carrying out its functions, or by any private entity acting on behalf of an agency in carrying out their functions.
- Use in connection with vehicle or driver safety and theft; vehicle emissions; vehicle product alterations, recalls or advisories; performance monitoring of vehicles, vehicle parts, and dealers; motor vehicle market research activities and survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.
- Use in normal course of business by a legitimate business to verify accuracy of information submitted by an individual or business; or to obtain correct information if the above is not correct, for the purpose of preventing fraud, pursuing legal remedies against or recovering on a debt or security interest against the record holder.
- Use in connection with a civil, criminal, administrative or arbitral proceeding in any federal, state or local court, government agency, or self-regulatory body, including service of process investigation in anticipation of litigation, and execution or enforcement of judgment; or pursuant to an order of a federal, state or local court, an administrative agency, or a self-regulatory body.
- Use in research activities and statistical reports, as long as personal information is not published, redisclosed or used to contact individuals.
- Use by any insurer/insurance support organization or by a self-insured entity in connection with claims investigation activities, anti-fraud activities, rating or underwriting.
- Use in providing notice to owners of abandoned, towed or impounded vehicles.

- Use by a private detective, plain-clothes investigator, or private investigative agency licensed under Neb.Rev.Stat. 71-3201 to 71-3213 for purposes permitted under this act.
- Use by an employer, employer's agent or insurer, to obtain or verify information of a Commercial Driver's License holder.
- Use in connection with the operation of private toll transportation facilities.
- Any use if requestor has notarized consent of the record holder and has provided proof of such consent to the Department, as indicated on the front of this form.
- Use, including redisclosure through news publication, for a member of a medium of communication as defined in Neb.Rev.Stat. 20-145, in connection with news involving motor vehicle or driver safety or vehicle theft.
- Any use if the record holder makes the request for the record.
- Use by the federally designated organ procurement organization in Nebraska to establish and maintain the Donor Registry of Nebraska as provided in section 71-4822.

Exempted uses for sensitive personal information include*:

- Use by any federal, state or local government agency, including any court or law enforcement agency, in carrying out its functions, or by any private entity acting on behalf of an agency in carrying out their functions.
- Use in connection with a civil, criminal, administrative or arbitral proceeding in any federal, state or local court, government agency, or self-regulatory body, including service of process, investigation in anticipation of litigation, and execution or enforcement of judgment, or pursuant to an order of a federal, state or local court, an administrative agency, or a self-regulatory body.
- Use by any insurer/insurance support organization or by a self-insured entity in connection with claims investigation activities, anti-fraud activities, rating or underwriting.
- Use by an employer, employer's agent or insurer, to obtain or verify information of a Commercial Driver's License holder.

Disclosure of Information/Record Keeping Requirements

Before any personal information or sensitive personal information is further disclosed by a requestor or Subscriber from a motor vehicle record, the requestor or Subscriber that is disclosing the information must verify that the use listed on the request is an exempted use under the Act and must verify the identity of the person making the request by examining an approved form of identification. Copies of these request forms shall be maintained in your office for five (5) years; and shall be made available for inspection by the Department upon request.

Penalties

You should be aware of the following penalties that apply for unauthorized access to motor vehicle records:

- Any person requesting the disclosure of personal information from Department records who misrepresents his/her identity or makes a false statement to the Department on any application required to be submitted pursuant to the Uniform Motor Vehicle Records Disclosure Act shall be guilty of a Class IV felony.
- Any officer, employee, agent or contractor of the Department that knowingly discloses or knowingly permits disclosure of sensitive personal information in violation of the Uniform Motor Vehicle Records Disclosure Act shall be guilty of a Class I misdemeanor and shall be

subject to removal from office or discharge at the discretion of the Governor or agency head, as appropriate.

- Criminal Fine: Any person that knowingly violates the DPPA shall be fined.
- Civil Action:
 - (a) Cause of action. A person who knowingly obtains, discloses or uses personal information, from a motor vehicle record, for a purpose not permitted under the DPPA shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States District Court.
 - (b) Remedies.

The court may award--

- (1) actual damages, but not less than liquidated damages in the amount of \$2,500;
- (2) punitive damages upon proof of willful or reckless disregard of the law;
- (3) reasonable attorneys' fees and other litigation costs reasonably incurred; and
- (4) such other preliminary and equitable relief as the court determines to be appropriate.

Certification of Understanding

I certify that I have read and acknowledge the foregoing Memorandum of Understanding and, if I am in a supervisory capacity, agree to notify all employees in my office of these requirements.

Subscriber (signature)

Subscriber (printed name)

Date

Supervisor (signature)

Name of Agency or Business

*Release of an individual's social security number is further restricted in Neb. Rev.Stat. **§60-484(5)**. Release can only be for the following reasons: to furnish driver record information to the United States Selective Service System; in connection with the verification of the status of an individual's driving record; for purposes of child support enforcement, or to furnish information regarding an applicant for or hold of a commercial driver's license with a hazardous materials endorsement to the Transportation Security Administration of the United States Department of Homeland Security or its agent. Release of an individual's medical or disability information is further restricted in Neb. Rev. Stat. **§84-712.05(2)**. Release can only be under the following; court order (include subpoena, search warrant); or with notarized written consent of the record holder.