

CHAPTER 415  
DRIVER'S PRIVACY PROTECTION—CERTIFICATES  
OF TITLE AND VEHICLE REGISTRATION

**761—415.1(321) Applicability.**

**415.1(1)** This chapter applies to personal information about vehicle owners in records pertaining to certificates of title, registration receipts and registration renewal receipts issued by the department or a county treasurer.

**415.1(2)** Rules regarding personal information and highly restricted personal information in records pertaining to drivers' licenses and nonoperators' identification cards are found in 761—Chapters 610 and 611.

[ARC 9048B, IAB 9/8/10, effective 10/13/10]

**761—415.2(321) Adoption.** The department adopts the Driver's Privacy Protection Act of 1994 (18 U.S.C. § 2721 et seq.) as amended through calendar year 2000 (P.L. 106-346) for certificates of title, registration receipts and registration renewal receipts.

**761—415.3(321) Definitions.**

*"Driver's Privacy Protection Act"* or *"Act"* means the Act adopted in rule 761—415.2(321).

*"Highly restricted personal information"* means an individual's photograph or image, social security number, or medical or disability information.

*"Law enforcement agency"* includes, but is not limited to, offices of county attorneys, offices of United States attorneys, attorneys general offices, state and federal departments of justice, and a division or unit of a governmental agency if the division's or unit's primary responsibility is to prevent or detect crime or enforce criminal laws.

*"Motor vehicle record"* as used in the Act means any record that pertains to a driver's license, nonoperator's identification card, certificate of title, registration receipt, or registration renewal receipt issued by the department or a county treasurer.

*"Person"* means an individual, organization or entity.

*"Personal information"* means information that identifies an individual, including the items listed in Iowa Code section 321.11 and 18 U.S.C. § 2725(3) of the Act adopted in rule 761—415.2(321). "Personal information" also includes information on an individual's nonoperator's identification card.

*"Requestor"* means an individual or entity that seeks from the department access to personal information or highly restricted personal information contained in the individual's own or another individual's motor vehicle record. A requestor does not include an individual who is an authorized employee of the department or a county treasurer acting within the scope of the employee's office or employment.

*"Vehicle owner"* as used in this chapter means a vehicle owner who is an individual, not a company, organization or other legal entity.

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**761—415.4(321) Requirements and procedures.** Notwithstanding Iowa Code chapter 22 and 761—Chapter 4, the following procedures implement the Driver's Privacy Protection Act and Iowa Code section 321.11 as they pertain to records relating to certificates of title, registration receipts and registration renewal receipts. The department does not provide the waiver procedure described in the Act (codified as 18 U.S.C. § 2721(d)).

**415.4(1)** The department or a county treasurer shall require a requestor to:

*a.* Complete Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and submit it to the office of vehicle services.

*b.* Provide proof of identity by completing Form 431069 and attaching a legible photocopy of the requestor's driver's license or nonoperator's identification card.

*c.* Provide proof of authority to secure access to the personal information or highly restricted personal information by completing Part C of Form 431069 and providing the department with proof of the requestor's status or other additional information the department may request.

*d.* Complete the certification at Part D of Form 431069 and provide any proof necessary to establish relevant facts.

*e.* Pay the statutory fee, if applicable, for the requested motor vehicle record.

**415.4(2)** Form 431069 must be completed by a requestor and approved by the department before the department may disclose personal information or highly restricted personal information to the requestor. The department may deny requests for such information if a requestor refuses to complete Form 431069 or if the department is not satisfied that the requestor provided adequate and truthful information in Form 431069 or in the documents that the requestor attached to Form 431069.

**415.4(3)** Personal information and highly restricted personal information, except for an individual's photograph or image, may be disclosed with the express written consent of the vehicle owner to whom such information applies. When the requestor has obtained the written consent of the vehicle owner to whom the information applies, the requestor must attach that written consent to a completed Form 431069 and submit it to the office of vehicle services, along with the statutory fee, if applicable.

**415.4(4)** An individual may obtain the individual's own motor vehicle record by completing Part A of Form 431069, providing proof of identity by attaching a legible photocopy of the requestor's driver's license or nonoperator's identification card, submitting both to the office of vehicle services, and paying the statutory fee, if applicable.

**415.4(5)** The department shall not release any personal information or highly restricted personal information if the request is made by plate number or validation sticker number, except as provided in Iowa Code section 321.11.

**415.4(6)** All persons who obtain personal information or highly restricted personal information from the department are required to comply with Iowa Code section 321.11 and the Driver's Privacy Protection Act.

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These rules are intended to implement Iowa Code section 321.11.

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