

CHAPTER 611
DRIVER'S PRIVACY PROTECTION—DRIVER'S LICENSE
AND NONOPERATOR'S IDENTIFICATION CARD

761—611.1(321) Applicability.

611.1(1) This chapter applies to personal information in records pertaining to drivers' licenses and nonoperators' identification cards. In addition to information on current licensees and cardholders, these records include information on individuals who do not currently hold a driver's license or nonoperator's identification card. Operating records and records of driver sanctions are two examples.

611.1(2) Rules regarding personal information about vehicle owners in records pertaining to certificates of title and vehicle registration are found in 761—Chapter 415.

761—611.2(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 driver's license records and nonoperator's identification card records.

761—611.3(321) Definitions.

"Driver's license" is defined in Iowa Code section 321.1.

"Driver's Privacy Protection Act" or *"Act"* means the Act adopted in rule 761—611.2(321).

"Law enforcement agency" includes, but is not limited to, county attorneys, federal district attorneys, attorneys general, and state and federal departments of justice.

"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 the county treasurer.

"Personal information" means information that identifies an individual, including the items listed in Iowa Code section 321.11 and 18 U.S.C. § 2725 of the Driver's Privacy Protection Act adopted in rule 761—611.2(321). "Personal information" also includes information on an individual's nonoperator's identification card.

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761—611.4(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 driver's license records and nonoperator's identification card records. The department does not provide the waiver procedure described in the Driver's Privacy Protection Act (codified as Sec. 2721(d)).

611.4(1) The department may require a person who requests personal information about an individual to:

- a. Submit the request in writing.
- b. Provide proof of identity and authority to secure access to the information.
- c. Sign a certified statement or affidavit listing the specific reasons justifying access to the information and provide any proof necessary to establish relevant facts.

611.4(2) Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," must be completed by an applicant and approved by the department before the department may disclose personal information to the applicant without the express written consent of the individual to whom such information applies. On the form, the applicant shall indicate the provision of law that allows the release of personal information to that applicant. For the purpose of this subrule, "applicant" means a person who is not an authorized employee of the department.

611.4(3) An individual's signature on the document providing express written consent allowing disclosure of the individual's personal information to another person must be notarized.

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These rules are intended to implement Iowa Code section 321.11.

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