

CHAPTER 301
DRIVER'S PRIVACY PROTECTION—MOTOR VEHICLE RECORDS

761—301.1(321) Applicability. This chapter applies to personal information and highly restricted personal information in records pertaining to driver's licenses, nonoperator's identification cards, and personal information and highly restricted 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. In addition to information on current licensees and cardholders, motor vehicle records include information on individuals who do not currently hold a driver's license or nonoperator's identification card, including, but not limited to, operating records and records of driver sanctions.

This rule is intended to implement Iowa Code section 321.11 and 18 U.S.C. §2721 et seq.
[ARC 6060C, IAB 12/1/21, effective 1/5/22]

761—301.2(321) Adoption. The department adopts the Driver's Privacy Protection Act of 1994 (18 U.S.C. §2721 et seq.) for motor vehicle records.

This rule is intended to implement Iowa Code section 321.11 and 18 U.S.C. §2721 et seq.
[ARC 6060C, IAB 12/1/21, effective 1/5/22]

761—301.3(321) Definitions.

"Certified abstract of operating record" means the same as described in Iowa Code section 321A.3(1).

"Driver's license" means the same as defined in Iowa Code section 321.1(20A).

"Driver's Privacy Protection Act" means the Act adopted in rule 761—301.2(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, county attorneys, federal district attorneys, attorneys general, 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 Driver's Privacy Protection 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 of the Driver's Privacy Protection Act adopted in rule 761—301.2(321). "Personal information" also includes information on an individual's nonoperator's identification card.

"Requester" means an individual, organization 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 requester 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.

"Sanction" means the same as defined in rule 761—615.1(321).

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

This rule is intended to implement Iowa Code section 321.11 and 18 U.S.C. §2721 et seq.
[ARC 6060C, IAB 12/1/21, effective 1/5/22]

761—301.4(17A) Information and addresses. Information and forms for records pertaining to motor vehicle records may be obtained at any driver's license service center or by mail from the Motor Vehicle Division, Iowa Department of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278;

in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3110; by email at privacy.agreements@iowadot.us; or on the department's website at www.iowadot.gov.

This rule is intended to implement Iowa Code section 17A.3.
[ARC 6060C, IAB 12/1/21, effective 1/5/22]

761—301.5(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 the provisions pertain to access to records related to driver's licenses, nonoperator's identification cards, certificates of title, registration receipts and registration renewal receipts. The department does not provide the waiver procedure described in the Driver's Privacy Protection Act (codified as 18 U.S.C. §2721(d)).

301.5(1) The department shall require a requester who requests personal information or highly restricted personal information about another individual to:

a. Complete Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and submit the form to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(17A).

b. Provide proof of identity and authority to access the information by completing Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and including a legible photocopy of the requester'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, "Privacy Act Agreement for Request of Motor Vehicle Records," and providing the department with proof of the requester's status or other additional information the department may request.

d. Complete the certification on Part D of Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and provide any proof necessary to establish relevant facts.

301.5(2) The department shall require a law enforcement agency that requests personal information or highly restricted personal information about another individual to either follow the process in subrule 301.5(1) or complete and submit Form 431200, "Certified Motor Vehicle Record Request Form for Use by County Attorney's Offices and Law Enforcement Agencies," to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321). Nothing in this subrule shall preclude a law enforcement agency from completing and submitting Form 431069 or from entering into a memorandum of understanding with the department for the purposes of requesting personal information or highly restricted personal information.

301.5(3) The department shall require a requester who requests personal information or highly restricted personal information about themselves to either:

a. Complete and submit Part A of Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," including a photocopy of the requester's driver's license or nonoperator's identification card to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321).

b. Provide valid proof of the requester's identity to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321).

301.5(4) 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 individual or vehicle owner to whom such information applies. When the requester has obtained the written consent of the individual or vehicle owner to whom the information applies, the requester must attach that written consent on a completed Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and submit the form to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321). 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, or in the alternative, the signed written consent document must be accompanied by a copy of the individual's driver's license or nonoperator's identification card.

301.5(5) The statutory fee, if applicable, shall accompany the request for a motor vehicle record.

301.5(6) 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.

301.5(7) All requesters 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.

301.5(8) The department may transmit records to an authorized requester under this chapter by email. This rule is intended to implement Iowa Code sections 321.10 and 321.11 and 18 U.S.C. §2721 et seq.

[ARC 6060C, IAB 12/1/21, effective 1/5/22]

761—301.6(321) Electronic motor vehicle records files. Motor vehicle records files may be made available electronically to authorized requesters under the Driver's Privacy Protection Act upon approval by the department and upon payment of any applicable fees. The department may require the requester to complete and submit Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," or Form 431200, "Certified Motor Vehicle Record Request Form for Use by County Attorney's Offices and Law Enforcement Agencies," to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321), including any required attachments, or may enter into a memorandum of understanding governing the terms of accessing the motor vehicle records files electronically.

This rule is intended to implement Iowa Code section 321.11 and 18 U.S.C. §2721 et seq.

[ARC 6060C, IAB 12/1/21, effective 1/5/22]

761—301.7(321,321A) Certified abstract of operating records.

301.7(1) In accordance with Iowa Code section 321A.3, a certified abstract of the operating record of an individual is available. The record includes the information that is on the face of the individual's driver's license, plus information on the individual's sanctions, reportable vehicle accidents, and convictions. The certified abstract of operating record does not include the individual's photograph, social security number, or medical or disability information.

301.7(2) To obtain a certified abstract of an operating record of another individual, a requester shall complete Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," and submit the form to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(17A). Form 431069 must be completed with all required attachments before the department will process a request for a certified abstract of an operating record of another individual. A requester must attach a legible photocopy of the requester's driver's license or nonoperator's identification card to the form.

a. Personal information and highly restricted personal information protected by Iowa Code section 321.11 and the Driver's Privacy Protection Act may be released only if all of the following apply:

(1) The requester has complied with each of the following requirements:

1. Completed and submitted Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," including proof of authority to secure access to the personal information or highly restricted personal information.

2. Included all required attachments with the form, including a photocopy of the requester's driver's license or nonoperator's identification card.

3. Paid the statutory fee by the methods permitted under Iowa Code section 321A.3, if applicable, for the requested record.

(2) The department is satisfied with the genuineness, regularity, and legality of the application and in any statement made within the application and in any required attachments.

b. Reserved.

301.7(3) The department shall require a law enforcement agency that requests a certified abstract of an operating record to complete to either follow the process in subrule 301.7(2) or submit Form 431200, "Certified Motor Vehicle Record Request Form for Use by County Attorney's Offices and Law Enforcement Agencies," to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321). Nothing in this subrule shall preclude a law enforcement agency from

completing and submitting Form 431069 or from entering into a memorandum of understanding with the department for the purposes of requesting information under this rule.

301.7(4) The department shall require a requester seeking the requester's own operating record to either:

a. Complete and submit Part A of Form 431069, "Privacy Act Agreement for Request of Motor Vehicle Records," including a photocopy of the requester's driver's license or nonoperator's identification card to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321).

b. Provide valid proof of the requester's identity to any driver's license service center or the motor vehicle division at the address in rule 761—301.4(321).

301.7(5) The statutory fee, if applicable, shall accompany the request for a certified abstract of the operating record. There is no fee for an individual to view the individual's own operating record. Pursuant to the authority in Iowa Code section 321A.3, the department shall comply with the requirements of 781—Chapter 8 for payments accepted by credit card.

301.7(6) The single-use restriction in Iowa Code section 321A.3(8) applies only to the certified abstract of operating records and to persons who are subject to the fee listed in Iowa Code section 321A.3(1).

301.7(7) Any person who obtains a certified abstract of operating record from the department is required to comply with Iowa Code section 321.11 and the Driver's Privacy Protection Act.

This rule is intended to implement Iowa Code sections 321.11, 321.13 and 321A.3 and 18 U.S.C. §2721 et seq.

[ARC 6060C, IAB 12/1/21, effective 1/5/22]

[Filed ARC 6060C (Notice ARC 5921C, IAB 9/22/21), IAB 12/1/21, effective 1/5/22]