

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 the county treasurers.

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

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 license" is defined in Iowa Code section 321.1.

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

"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 a criminal law of this state.

"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. "Personal information" also includes an individual's nonoperator's identification card number.

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

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 § 2721(d)).

415.4(1) The department or the county treasurer may require a person or entity that requests personal information about a vehicle owner 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, affidavit or contract listing the specific reasons justifying access to the information and provide any proof necessary to establish relevant facts.

415.4(2) Form 411069, "Privacy Act Agreement for Request of Motor Vehicle Record(s)," 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 vehicle owner 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 or a county treasurer.

415.4(3) Personal information may be disclosed with the express written consent of the vehicle owner to whom such information applies. To obtain this consent, a requester may complete Form 411213, "Request for Release of Personal Information," and submit the form to the department. The department shall forward a copy of the completed form to the vehicle owner to obtain the owner's express written

consent. If the form is returned signed by the owner approving the release of the owner's personal information, the department will release the information to the requester.

415.4(4) The department shall not release any personal information regarding a motor vehicle record if the request is made by plate number or validation sticker number, except as provided in Iowa Code section 321.11.

These rules are intended to implement Iowa Code section 321.11.

[Filed 7/23/97, Notice 6/18/97—published 8/13/97, effective 9/17/97]

[Filed 1/21/98, Notice 12/17/97—published 2/11/98, effective 3/18/98]

[Filed 4/7/98, Notice 2/11/98—published 5/6/98, effective 6/10/98]

[Filed 6/19/02, Notice 4/17/02—published 7/10/02, effective 8/14/02]