

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]