

ATTACHMENT A
Nebraska Department of Motor Vehicles
Uniform Motor Vehicle Records Disclosure Act
Memorandum of Understanding

The purpose of this Memorandum of Understanding is to make Subscribers who receive personal or sensitive personal information from a motor vehicle record through the Nebraska.gov state portal aware of the obligations imposed upon a requestor to comply with the Uniform Motor Vehicle Records Disclosure Act, Neb. Rev. Stat. §§ 60-2901 et seq. and the federal Driver Privacy Protection Act. 18 USC §§ 2721 through 2725.

Information Protected.

Under the Act, as revised, a requestor must qualify to legally receive access to the personal information and sensitive personal information on any motor vehicle record.

- Personal information includes an individual's driver identification number (driver's license number, license plate number or title number); name; address, (excluding zip code), and telephone number.
- Sensitive personal information includes an individual's operator license photo or image, social security number, and medical or disability information.

Personal information from a motor vehicle record shall not be disclosed unless requested for an exempted use, as outlined below, on a specified Department of Motor Vehicle ("Department") form.

Exempted uses for personal information include:

1. Use by any federal, state, or local governmental agency, including any court or law enforcement agency, in carrying out the agency's functions, or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions;
2. Use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; motor vehicle market research activities, including survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers;
3. Use in the normal course of business by a legitimate business or its agents, employees, or contractors but only
 - a. to verify accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and
 - b. if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purpose of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual;
4. Use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or government agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body;
5. Use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals;
6. Use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating, or underwriting;
7. Use in providing notice to the owners of abandoned, towed, or impounded vehicles;

8. Use only for a purpose permitted under this Act either by a private detective, plain clothes investigator, or private investigative agency licensed under Neb. Rev. Stat. §§ 71-3201 to 71-3213.
9. Use by an employer, or the employer's agent or insurer to obtain or verify information relating to a holder of a commercial driver's license or CLP-commercial learner's permit that is required under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. §§ 31301 et seq., or pursuant to Neb. Rev. Stat. §§ 60-4,132 and 60-4,141;
10. Use in connection with the operation of private toll transportation facilities;
11. For bulk distribution for surveys of, marketing to, or solicitations of persons who have expressly consented to such disclosure if the requester has obtained the notarized written consent of the individual who is the subject of the personal information being requested and has provided proof of receipt of such written consent to the department or an officer, employee, agent, or contractor of the department on a form prescribed by the department;
12. Any use if requestor has obtained the notarized written consent of the individual who is the subject of the personal information being requested and has provided proof of receipt of such written consent to the department or an officer, employee, agent, or contractor of the department;
13. Use, including redisclosure through news publication, of a member of a medium of communication as defined in Neb. Rev. Stat. § 20-145, who requests such information in connection with preparing, researching, gathering, or confirming news information involving motor vehicle or driver safety or motor vehicle theft.
14. Use by the federally designated organ procurement organization for Nebraska to establish and maintain the Donor Registry of Nebraska as provided in Neb. Rev. Stat. § 71-4822;
15. To fulfill the requirements of the electronic dealer services system pursuant to Neb. Rev. Stat. §60-1507; and
16. Any other use specifically authorized by law that is related to the operation of a motor vehicle or public safety.

Exempted uses for sensitive personal information include*:

1. Use by any federal, state, or local governmental agency, including any court or law enforcement agency, in carrying out the agency's functions or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions;
2. Use in connection with a civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or government agency or before any self-regulatory body, including service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal, state or local court, an administrative agency, or a self-regulatory body including service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body;
3. Use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, anti-fraud activities, rating or underwriting;
4. Use by an employer, or the employer's agent or insurer to obtain or verify information relating to a holder of a commercial driver's license or CLP-commercial learner's permit that is required under the Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. §§ 31301 et seq., or pursuant to Neb. Rev. Stat. §§ 60-4,132 and 60-4,141; and
5. Use by employers of a holder of a commercial driver's license or CLP-commercial learner's permit and by the Commercial Driver License Information System as provided in Neb. Rev. Stat. § 60-4,144.02 and 49 C.F.R. § 383.73.

Disclosure of Information/Record Keeping Requirements

Before any personal information or sensitive personal information is further disclosed by a requestor or Subscriber from a motor vehicle record, the requestor or Subscriber that is disclosing the information must verify that the use listed on the request is an exempted use under the Act and must verify the identity of the person making the request by examining an approved form of identification. Copies of these request forms shall be maintained in your office for five (5) years; and shall be made available for inspection by the Department upon request.

Penalties

You should be aware of the following penalties that apply for unauthorized access to motor vehicle records:

- Any person requesting the disclosure of personal information from Department records who misrepresents his/her identity or makes a false statement to the Department on any application required to be submitted pursuant to the Uniform Motor Vehicle Records Disclosure Act shall be guilty of a Class IV felony.
- Any officer, employee, agent, or contractor of the Department that knowingly discloses or knowingly permits disclosure of sensitive personal information in violation of the Uniform Motor Vehicle Records Disclosure Act shall be guilty of a Class I misdemeanor and shall be subject to removal from office or discharge at the discretion of the Governor or agency head, as appropriate.
- Criminal Fine: Any person that knowingly violates the DPPA shall be fined.
- Civil Action:
 - (a) Cause of action. A person who knowingly obtains, discloses, or uses personal information, from a motor vehicle record, for a purpose not permitted under the DPPA shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States District Court.
 - (b) Remedies.
 - The court may award--
 - (1) actual damages, but not less than liquidated damages in the amount of \$2,500;
 - (2) punitive damages upon proof of willful or reckless disregard of the law;
 - (3) reasonable attorneys' fees and other litigation costs reasonably incurred; and
 - (4) such other preliminary and equitable relief as the court determines to be appropriate.

Certification of Understanding

I certify that I have read and acknowledge the foregoing Memorandum of Understanding and, if I am in a supervisory capacity, agree to notify all employees in my office of these requirements.

Subscriber (signature)

Subscriber (printed name)

Date

Supervisor (signature)

Name of Agency or Business

*Release of an individual's social security number is further restricted in **Neb. Rev. Stat. § 60-484(5)**. Release can only be for the following reasons: to furnish driver record information to the United States Selective Service System; in connection with the verification of the status of an individual's driving record; for purposes of child support enforcement; or to furnish information regarding an applicant for or hold of a commercial driver's license with a hazardous materials endorsement to the Transportation Security Administration of the United States Department of Homeland Security or its agent. Release of an individual's medical or disability information is further restricted in **Neb. Rev. Stat. § 84-712.05(2)**. Release can only be under the following: court order (including subpoenas and search warrants) or with notarized written consent of the record holder.