


<b>SUBJECT PERSONAL INFORMATION EXEMPTED FROM PUBLIC DISCLOSURE</b>	<b>POLICY NUMBER 9.02</b>	
<b>POLICY MAINTENANCE ADMINISTRATOR:</b> General Counsel		
<b>PURPOSE/SCOPE:</b> To establish department policy and procedures to exempt from disclosure personal information contained in the driver, vehicle and vessel records of public officials, and the motor vehicle records of the general public.		

## I. AUTHORITY

18 USC ss 2721-2725, Driver Privacy Protection Act

Section 119.0712(2), Florida Statutes, Exemptions from Inspection

## II. RELATED POLICIES

MP 9.03, Providing Records to the Public

## III. DEFINITIONS

- A. Department – The Department of Highway Safety and Motor Vehicles.
- B. Driver Privacy Protection Act (DPPA) – A federal law that regulates the release and sharing of information from state motor vehicle records. 18 USC ss 2721-2725
- C. General Public – A motorist whose personal information contained in their motor vehicle record is exempted from public disclosure as defined in s. 119.0712(2), F.S.
- D. Motor Vehicle Record – Any record that pertains to a motor vehicle driver’s license, motor vehicle title, motor vehicle title registration or identification card issued by the Department of Highway Safety and Motor Vehicles.
- E. Personal Information – Information in a motor vehicle record that identifies an individual, including the name, address, social security number, telephone number, email address, driver identification number, medical, disability or emergency contact information and photograph. Personal information does not

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include information relating to vehicular crashes, driving violations, driving sanctions, and driver's status.

- F. Public Official – An employee of a government agency whose home address, telephone number, social security number and photograph are exempt from disclosure according to s. 119.071(4), F.S.
- G. Suppress – Personal information contained in department records that has been exempted from public disclosure.

**IV. POLICY**

It is the policy of the Department of Highway Safety and Motor Vehicles to exempt from public disclosure the personal information contained in the motor vehicle records and vessel records of public officials.

Additionally, it is the policy of the Department to develop and implement procedures consistent with the Federal Driver Privacy Protection Act of 1994 and exempt from disclosure the personal information contained in motor vehicle records unless permitted by law. (See DHSMV Policy 9.03 for additional information on providing records to the public.)

**V. RESPONSIBILITIES**

- A. Public Officials: Eligible public officials may request that the Department exempt from public review the personal information contained in their, their spouse's, and their children's motor vehicle records and vessel records. The request must be made in writing as required in s. 119.071(4)(d) and (i), F.S., by completing the Public Officials Request To Suppress Records Information Form (HSMV 96020). The form must be returned to the Department with a letter or other documentation on employer letterhead indicating eligibility. Please refer to s. 119.071(4), F.S., for a list of protected public officials.

The Department records affected by this action include motor vehicle records and vessel registration and title records, including federally documented vessels.

The Department may only release suppressed personal information of public officials and their spouses and children, to law enforcement, judges or other state agencies for purposes of carrying out specific government functions.

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- B. General Public: Personal information contained in motor vehicle records is protected by the Federal Driver Privacy Protection Act of 1994 and s. 119.0712(2), F.S. The law permits the Department to release such personal information only for the permissible uses listed in 18 USC. s 2721.
- C. Notwithstanding section B. above, the following information contained in motor vehicle records may not be released without the express consent of the person to whom such information applies except as follows:
1. Social Security numbers may be released only as provided in s.119.071(5), F.S.
  2. An individual's photograph or image may be released only as provided in s. 322.142, F.S.
  3. Medical disability information may be released only as provided in ss. 322.125 and 322.126, F.S.
  4. Emergency contact information may be released only to law enforcement agencies for purposes of contacting those listed in the event of an emergency, as described in s.119.0712(2)(c)2, F.S.
- D. Motorists can opt out of this protection and request that the Department disclose, as a public record, the personal information contained in their motor vehicle records. The request must be made by completing the Request for Disclosure of Personal Information form (HSMV 96104). The form must be returned to the Department for processing. A separate form must be completed for each family member. Also, a motorist that has requested disclosure of the personal information on their driver license or motor vehicle record may subsequently request their personal information be withheld. The request must be made by completing the Request to Withhold Personal Information form (HSMV 96018).
- E. A customer may obtain personal information from his/her own driver or motor vehicle record by submitting a completed Driver License Record Request form (HSMV 90511) or Motor Vehicle/Vessel/Mobile Home Records Request form (HSMV 90510). This constitutes a one-time request for this information to be released. The Department will not provide personal information by fax, email or letter until the original document is received. The customer must include appropriate contact information on the form.
- F. If a customer requests personal information from his/her own driver or motor vehicle record in person at any driver license or motor vehicle office, the examiner, clerk or other authorized staff must verify the person's identity, either from their photo identification or by verifying the customer's photo in Florida Driver License Information System (FDLIS) or the Intranet Record Information System (IRIS) or the Driver And Vehicle Information Database (DAVID).

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- G. If a customer requests a record for someone other than himself and provides personal identifying information, the Department or its authorized agents may, in turn, provide that same personal identifying information back to the customer. For example, if a customer requests a driver record for Jane B. Doe, DOB 1/1/1976, we may provide a driver record transcript to the customer that lists Jane B. Doe, DOB 1/1/1976, but cannot provide any other personal information.
- H. Any request for suppressed personal information must be made in writing to the Department, or by completing a Request for Exempt Personal Information in a Motor Vehicle/Driver License Record form, (HSMV 96015). Any large data requests under s. 322.20(9) or 320.05, F.S. must be accompanied by a completed Data Exchange Memorandum of Understanding (MOU) and no release of records will occur until this form is completed and executed by the Department. An individual or company receiving suppressed personal information may only disclose the information and must maintain records as provided in s. 119.0712(2), F.S.
- I. The Department or its authorized agents may release a customer's driver license number OR driver license form number and other personal identifying information to the customer by phone or email, **only** after the customer has correctly provided sufficient identifying information contained in his/her own driving record. **“Sufficient identifying information” means name, date of birth, and Social Security Number or driver license number and at least two of the following: original license issuance year, last address on record, information on citations and/or endorsements or other appropriate information from the customer’s motor vehicle or driving record.**