



MINNESOTA DEPARTMENT OF PUBLIC SAFETY
DRIVER AND VEHICLE SERVICES

Deputy Registrar/DL Agent Access Agreement

Individual

Full Name: _____

Deputy Registrar/DL Agent Office: _____

1. My access is restricted to only that data necessary to perform my Deputy Registrar/DL Agent duties and only for the uses described in the section of this agreement entitled Intended Use Statement.
2. The DVS data **will not** be used for personal or non-business purposes. Any such use is in violation of state and federal law.
3. I understand I am assigned a unique username issued by the STATE, and my username and password **will not** be shared with anyone, including other employees or my supervisors. I understand upon investigation I will be held responsible for any transactions associated with my username.
4. I understand improper use or release of this personal DVS information will result in permanent loss of access as well as criminal and civil penalties under both state and federal law.
5. **Government Data Practices**

As an employee of the DEPUTY REGISTRAR/DL AGENT, I will comply with the Government Data Practices as defined in this agreement. The DEPUTY REGISTRAR/DL AGENT and STATE must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 and US Code title 18 § 2721, as they apply to all data provided by the STATE under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the DEPUTY REGISTRAR/DL AGENT under this agreement. The civil remedies of Minn. Stat. § 13.08 and 13.09, and US Code title 18 § 2721 apply to the release of the data referred to in this clause by either the DEPUTY REGISTRAR/DL AGENT or the STATE. (See attachments A and B).

INTENDED USE STATEMENT

Access to the DVS record information system is being granted under US Code title 18 § 2721, section 1 which states:

For use by any government agency, including court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.

Motor vehicle and driver license agents perform a number of functions related to DVS transactions. They accept motor vehicle and driver license applications, verify identification, screen vision, and take photos. An important part of their function is to collect fees and taxes. They are accountable for documenting their transactions and properly transmitting documents and information to DVS.

I have read and understand the policy, completed the data privacy training and have had the opportunity to ask questions and discuss them with my supervisor. I understand that pursuant to MN Statute 171.12. Subd. 1a (b), **the Commissioner will immediately and permanently revoke access of any staff who willfully enters, updates, accesses, shares, or disseminates data in violation of state or federal law. The Commissioner will forward any violation of state or federal law to the appropriate prosecuting authority for prosecution.**

I understand my password must be changed every 90 days to remain active.

DEPUTY REGISTRAR/DL AGENT EMPLOYEE

Signature: _____

Title: _____

Date: _____

DEPUTY REGISTRAR/DL AGENT DATA USE REPRESENTATIVE

Signature: _____

Title: _____

Date: _____

KEEP THIS FORM IN YOUR OFFICE

Exhibit A

Access to Driver License and Motor Vehicle records is governed by Minnesota Statutes Sections 168.346, 171.12 Subd. 7 and 171.12 Subd. 7a. and United States Code, Title 18, Sections 2722-2725.

Under United States Code, Title 18, Sec. 2722 the following are unlawful acts:

(a) Procurement for Unlawful Purposes. -- It shall be unlawful for any person knowingly to obtain or disclose personal information, from a motor vehicle record, for any use not permitted under section 2721 (b) of this title.

(b) False Representation. -- It shall be unlawful for any person to make false representation to obtain any personal information from an individual's motor vehicle record.

Under United States Code, Title 18, Sec. 2723 the following penalty may apply to unlawful acts:

(a) Criminal Fine. -- A person who knowingly violates this chapter shall be fined under this title.

United States Code, Title 18, Sec. 2724 provides for the following 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 this chapter 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.

Under United States Code Title 18, Sec. 2725 Motor vehicle record is defined as:

(1) "motor vehicle record" means any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by a department of motor vehicles;

Exhibit B

Permissible Uses of Motor Vehicle Data as provided in United States Code, Title 18, Section 2721

- 1) For use by any government agency, including court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State or local agency in carrying out its functions.
- 2) For 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 non-owner records from the original owner records of motor vehicle manufacturers.
- 3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only
(A) to verify the accuracy of personal information submitted by the individual to the business or its agencies, employees, or contractors; and
(B) if such information as so submitted is not correct or is no longer correct, to obtain correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual.
- 4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State or local court.
- 5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, re-disclosed, or used to contact individuals.
- 6) For use by any insurer or insurance support organization, or by self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.
- 7) For use in providing notice to the owners of towed or impounded vehicles.
- 8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.
- 9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.).
- 10) For use in connection with the operation of private toll transportation facilities.
- 11) For any other use in response to requests for individual motor vehicle records if the State has obtained the express consent of the person to whom such personal information pertains.
- 12) For bulk distribution for surveys, marketing, or solicitations if the State has obtained the express consent of the person to whom such personal information pertains.
- 13) For Use by any requester, if the requester demonstrates it has obtained written consent of the individual to whom the information pertains.
- 14) For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.