



# NEW MEXICO DRIVER'S PRIVACY PROTECTION ACT AGREEMENT

This request must be completed before information can be obtained from the New Mexico Motor Vehicle Division driver and vehicle records. Knowledge of what access and uses are permitted under the listed Federal Acts is the responsibility of the requester.

## SECTION A

Agency Name and Department \_\_\_\_\_  
Primary Contact \_\_\_\_\_  
How often do you expect to access driver records \_\_\_\_\_  
Street Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_ Telephone Number \_\_\_\_\_  
Email Address \_\_\_\_\_  
Mailing Address (If different from above) \_\_\_\_\_

## SECTION B – Authorization

Enter your initials in the blank to the left of the appropriate statement(s) below that allows you to obtain personal information. Please sign and date the request and return to New Mexico Interactive.

I am authorized under the Federal Driver's Privacy Protection Act (Public Law 103-322 at 18 U.S.C. 2721 et seq.), the amendment to the Driver Privacy Protection Act, (Section 350 of Public Law 106-69) to obtain the identified records and personal information based on the following:

- \_\_\_ 1. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person acting on behalf of a government 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;
  - a. To verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

b. If the information as so submitted is not correct or is no longer correct, to obtain the 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 proceeding in any court or government 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 any court.
- \_\_\_ 5. For 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. For 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. For use in providing notice to the owner or lien holder of a towed or impounded vehicle.
- \_\_\_ 8. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this section.
- \_\_\_ 9. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver license which is required under the Commercial Motor Vehicle Safety of Act of 1986 (Title XII of Public Law 99-570).
- \_\_\_ 10. For use in connection with the operation of private toll transportation facilities.
- \_\_\_ 11. For any use specifically authorized by law that is related to the operation of a motor vehicle or public safety.
- \_\_\_ 12. Unrestricted or specified use with written consent of the person who is the subject of the information. (Attach written proof of consent.)

I certify that the information and statements on this request are true and correct, comply with the provisions of the Federal Driver's Privacy Protection Act, the amendment to the Driver Privacy Protection Act, and the New Mexico Uniform Motor Vehicle Records Disclosure Act and further understand that the willful, unauthorized disclosure of information obtained from these records for a purpose other than stated on this request, or the sale or other distribution of the information to a person or organization not disclosed in this request may result in penalties imposed under any of these statutes.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

Please ensure you include the following:

- NMI Online Account Security Agreement (one per user)
- MOU Agreement (one per entity)
- DPPA Agreement (one per entity)
- Subscriber Services Checklist (one per entity)

Mail to: New Mexico Interactive  
Attn: Mandi Mendoza  
1221 Flagman Way, B4  
Santa Fe, NM 87505

**The limitations on disclosure of data include but are not limited to the following, and Contractor agrees:**

- B.4.1 not to disclose personal information about an individual to anyone except the individual or the individual's authorized representative, §66-2-7.1(A)(1), NMSA 1978;
- B.4.2 not to use the database except for use by any governmental agency, including any court, in carrying out its functions or by any private person acting on behalf of the government, §66-2-7.1(A)(2), NMSA 1978;
- B.4.3 not to disclose personal information about an individual except for use in connection with matters of motor vehicle and driver safety or theft; motor vehicle emissions; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; motor vehicle production alterations, recalls or advisories; and removal of non-owner records from original owner records of motor vehicle manufacturers, §66-2-7.1(A)(3), NMSA 1978;
- B.4. not to disclose personal information except for 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, §66-2-7.1(A)(4), NMSA 1978;
- B.4.5 not to disclose personal information except for 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, antifraud activities, rating or underwriting, §66-2-7.1(A)(5), NMSA 1978;
- B.4.6 not to disclose personal information except for providing notice to owners of towed or impounded vehicles, §66-2-7.1(A)(6), NMSA 1978;
- B.4.7 not to disclose personal information except for use by an employer or its agent or insurer in obtaining or verifying information relating to a holder of a commercial driver's license, §66-2-7.1(A)(7), NMSA 1978;
- B.4.8 not to disclose personal information except for use by any requestor if the requestor demonstrates that it has obtained the written consent of the individual to whom the information pertains, §66-2-7.1(A)(8), NMSA 1978;
- B.4.9 not to disclose personal information except for use by an insured state-chartered or federally chartered credit union; an insured state or national bank; an insured state or federal savings and loan association; or an insured savings bank, but only: (a) to verify the accuracy of personal information submitted by an individual to the credit union, bank, savings and loan association or savings bank; and (b) if the information 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 from the individual, §66-2-7.1(A)(9), NMSA 1978;
- B.4.10 not to disclose personal information except for providing organ donor information as provided in the uniform anatomical gift act or §66-5-10 and 66-2-7.1(A)(10), NMSA 1978;
- B.4.11 not to disclose personal information except for providing the names and addresses of all lien holders and owners of record of abandoned vehicles to storage facilities or wrecker yards for the purpose of providing notice as required in §66-3-121 and 66-2-7.1(A)(10), NMSA 1978;
- B.4.12 not to make unauthorized copies of the database, §14-3-15.1(C)(1), NMSA 1978;
- B.4.13 not to use the database for any political or commercial purpose not contemplated by this Master Agreement unless the purpose and use is approved in writing by the state agency that created the database, §14-3-15.1(C)(2), NMSA 1978;
- B.4.14 not to use the database for solicitation or advertisement when the database contains the name, address or telephone number of any person unless such use is otherwise specifically authorized by law, §14-3-15.1(C)(3), NMSA 1978;

- B.4.15 not to allow access to the database by any other person, customer or entity unless the contemplated use by such other person or entity is either authorized by this Master Agreement or otherwise approved in writing by the Procuring Agency, §14-3-15.1(C)(4), NMSA 1978; and
- B.4.16 not to pledge or otherwise encumber the Procuring Agency's database;

### **C. Penalties for Unauthorized Disclosure of Confidential Data.**

- C.1.1 The Federal Drivers Privacy Protection Act provides for the following penalties for unauthorized disclosure of confidential data:

#### **Section 2723. Penalties**

- (a) Criminal Fine -- A person who knowingly violates this chapter shall be fined under this title.
- (b) Violations by State Department of Motor Vehicles -- Any State department of motor vehicles that has a policy or practice of substantial noncompliance with this chapter shall be subject to a civil penalty imposed by the Attorney General of not more than \$5,000 a day for each day of substantial noncompliance.

#### **Section 2724. 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.

- C.1.2 §66-2-7.1(B), NMSA 197 states that "any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the provisions of §31-19-1, NMSA 1978.
- C.1.3 §14-3-15.1(G), NMSA 1978 states that "except as authorized by law or rule of the commission, any person who reveals to any unauthorized person information contained in a computer database or who uses or permits the unauthorized use or access of any computer database is guilty of a misdemeanor, and upon conviction the court shall sentence that person to jail for a definite term not to exceed one year or to payment of a fine not to exceed five thousand dollars (\$5,000) or both. That person shall not be employed by the state for a period of five years after the date of conviction.

## FEDERAL DRIVERS PROTECTION ACT (DPPA)

Effective June 1, 2000, the Federal Drivers Protection Act (DPPA) (18 U.S.C.A. 2721) as amended by Section 350 of Public Law 106 Appropriations Act prohibits the dissemination or disclosure of a photograph, social security numbers, medical or disability information from motor vehicle records without the express consent of the person to whom the information pertains. However, this information may be released even without the express consent of the person for the following reasons:

### **Sec. 2721. Prohibition on release and use of certain personal information from State motor vehicle records**

- (a) In General. - A State department of motor vehicles, and any officer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity:
  - o (1) personal information, as defined in 18 U.S.C. 2725(3), about any individual obtained by the department in connection with a motor vehicle record, except as provided in subsection (b) of this section; or
  - o (2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about any individual obtained by the department in connection with a motor vehicle record, without the express consent of the person to whom such information applies, except uses permitted in subsections (b)(1), (b)(4), (b)(6), and (b)(9): Provided, That subsection (a)(2) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States.
- (b) Permissible Uses. - Personal information referred to in subsection (a) shall be disclosed 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 and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and chapters 301, 305, and 321-331 of title 49, and, subject to subsection (a)(2), may be disclosed as follows:
  - o (1) For use by any government agency, including any 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.
  - o (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.
  - o (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 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 purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.
  - o (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.

- o (5) For 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.
  - o (6) For 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, antifraud activities, rating or underwriting.
  - o (7) For use in providing notice to the owners of towed or impounded vehicles.
  - o (8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.
  - o (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 chapter 313 of title 49.
  - o (10) For use in connection with the operation of private toll transportation facilities.
  - o (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.
  - o (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.
  - o (13) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.
  - o (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.
- (c) Resale or Redisclosure. - An authorized recipient of personal information (except a recipient under subsection (b)(11) or (12)) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under subsection (b)(11) or or redisclose personal information for any purpose. An authorized recipient under subsection (b)(12) may resell or redisclose personal information pursuant to subsection (b)(12). Any authorized recipient (except a recipient under subsection (b)(11)) that resells or rediscloses personal information covered by this chapter must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.
  - (d) Waiver Procedures. - A State motor vehicle department may establish and carry out procedures under which the department or its agents, upon receiving a request for personal information that does not fall within one of the exceptions in subsection (b), may mail a copy of the request to the individual about whom the information was requested, informing such individual of the request, together with a statement to the effect that the information will not be released unless the individual waives such individual's right to privacy under this section.
  - (e) Prohibition on Conditions. - No State may condition or burden in any way the issuance of an individual's motor vehicle record as defined in 18 U.S.C. 2725(1) to obtain express consent. Nothing in this paragraph shall be construed to prohibit a State from charging an administrative fee for issuance of a motor vehicle record.

## The New Mexico Statute (DPPA Equivalent)

### 66-2-7.1. Motor vehicle-related records; confidential.

- A. It is unlawful for any department employee or contractor or for any former department employee or contractor to disclose to any person other than another employee of the department any personal information about an individual obtained by the department in connection with a driver's license or permit, the titling or registration of a vehicle or an identification card issued by the department pursuant to the Motor Vehicle Code [ 66-1-1 NMSA 1978] except:
- (1) to the individual or the individual's authorized representative;
  - (2) for use by any governmental agency, including any court, in carrying out its functions or by any private person acting on behalf of the government;
  - (3) for use in connection with matters of motor vehicle and driver safety or theft; motor vehicle emissions; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; motor vehicle production alterations, recalls or advisories; and removal of non-owner records from original owner records of motor vehicle manufacturers;
  - (4) for 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;
  - (5) for 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, antifraud activities, rating or underwriting;
  - (6) for providing notice to owners of towed or impounded vehicles;
  - (7) for use by an employer or its agent or insurer in obtaining or verifying information relating to a holder of a commercial driver's license;
  - (8) for use by any requester if the requester demonstrates that it has obtained the written consent of the individual to whom the information pertains;
  - (9) for use by an insured state-chartered or federally chartered credit union; an insured state or national bank; an insured state or federal savings and loan association; or an insured savings bank, but only:
    - (a) to verify the accuracy of personal information submitted by an individual to the credit union, bank, savings and loan association or savings bank; and
    - (b) if the information as 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 from the individual;
  - (10) for providing organ donor information as provided in the Uniform Anatomical Gift Act [ 24-6A-1 to 24-6A-15 NMSA 1978] or Section 66-5-10 NMSA 1978; or
  - (11) for providing the names and addresses of all lienholders and owners of record of abandoned vehicles to storage facilities or wrecker yards for the purpose of providing notice as required in Section 66-3-121 NMSA 1978.
- B. Any person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978.