

## DATA PRIVACY AND YOU

An important part of the services you provide to Minnesotans is protecting their data. Your access to DVS records is based on the types of information you need to conduct your business on behalf of the state.

The guidelines for using DVS data have not changed. However, starting October 1, 2018, [Minn. Stat § 171.12\(1a\)](#) changes the penalty for the willful misuse of DVS data.

Willful misuse of access to DVS records will result in the immediate and permanent loss of access to DVS data.

- Once access has been terminated, there is no opportunity for an individual to obtain authorization again.
- DVS will forward instances of willful misuse to the appropriate prosecuting authority for prosecution.

Every two years, DVS arranges for an independent audit to determine how DVS record information is being used and whether there has been any misuse.

## DATA ACCESS GUIDELINES

Access abuse is not accidental, it is intentional. It is not inadvertently bringing up a record because of a mistyped license plate number or driver's license number, even if mistyped more than once.

To ensure your use of DVS data complies with Minnesota statutes:

- Only access data in the normal course of your business.
- Never access DVS data for personal or non-business purposes.
- Never share user names and passwords – not even with supervisors.
- Disable a user's access within three days of a job change that no longer requires access to DVS information, when the user is on extended leave, or when the user is no longer employed.
- Carefully read your user access agreement.

You protect yourself and the data you access by always following DVS data practices guidelines and by never sharing your user name and password.

- Refresh your knowledge of DVS data practices at: [Policy 125-1000 "Security and Confidentiality of Data and Records.](#)
- Email questions regarding access to DVS information to [dvs.dataservices@state.mn.us](mailto:dvs.dataservices@state.mn.us).

## **PUBLIC VS. PRIVATE DATA**

Know the difference between public and private data.

- Public data may be shared with anyone.
- Private data may only be shared with the subject of the data and those specifically authorized by law to receive it unless the subject of the data has given written authorization to release the information.

For more information, refer to the Data Privacy information on Info Hub.

### **Examples of Public Data**

- Driver's license status
- Physical description
- Unpaid fines information
- Convictions
- Reinstatement requirements
- License plate number
- Vehicle Identification Number (VIN)
- Odometer reading
- Lienholder
- Zip code

### **Examples of Private Data**

- Driver's license photo
- Driver's license number
- Personal name
- Date of birth
- Address
- Crash Reports
- Medical data
- Lessees of motor vehicles (180 days or more.  
Exception: Available to law enforcement)

## **DRIVING PRIVILEGES**

Reinstatement requirements are public data and may be provided to your customer. However, please use caution when responding to driving privilege questions.

- Driving records can be complicated.
- You do not have access to all the information on a driver's record.
- Information that you do not see on a record may affect a customer's driving privileges or reinstatement requirements.
- Direct your customer to contact DVS if they have questions about their record.

### **Driver's License Status**

To legally drive, the status on the driving record must show "VALID." Never tell a customer that he or she is okay to drive if the record status is not valid, even if it appears that all reinstatement requirements have been met. Any status other than valid means the driver cannot legally drive.

If the status of a record isn't valid, but the customer believes that they have met all requirements, please refer them to DVS.

## **CHECKING A RECORD WHEN THERE IS NO PAPER TRANSACTION**

A vehicle owner “thinks” his tabs expire this month but would like you to check for him, a customer hasn’t received her driver’s license and wants you to lookup the record to see if there is a problem - you get these types of customer questions every day. You can still help those customers even though you do not have a paper transaction. Use common sense and ask yourself these simple questions.

1. Am I accessing the information in my role as a provider of motor vehicle and driver’s license services?
2. Am I providing public or non-public data?
3. If it’s non-public data, have I identified the individual as the subject of the data or someone authorized to have the information?

If you answer no to questions 1 and 3, you should not provide the information. If in doubt contact DVS or refer your customer to DVS. Please refer to the section below about phone calls vs. in-person requests for information.

## **PHONE CALLS VS. IN-PERSON REQUESTS FOR INFORMATION**

You can only provide public data, such as the expiration date of vehicle registration, over the phone. If the caller requests private data, you cannot assist the customer over the phone. Even if the customer claims to be the subject of the data, you cannot assist the customer because you have no way to verify the identity of the caller.

If you are unsure whether the information the customer is asking for is public or private, ask the customer to come into your office or direct them to contact DVS.

## **LAW ENFORCEMENT**

We know it can be difficult when your local law enforcement agency comes to you for information. However, you should not be providing information to law enforcement agents. They have other avenues they can use to obtain DVS data that have been built specifically for the law enforcement community.

## **RELATIVES AND FRIENDS**

If your office doesn’t have one, you should think about developing a policy for handling the transactions of relatives and friends. DVS prohibits its employees from processing transactions of friends and relatives and strongly recommends that you follow a similar policy.

If you are a smaller office, there may be no one else to handle the transaction. In that case, you may wish to keep track of the transaction for your office records.

## **CUSTOMER INITIATED AUDITS**

A customer may, at any time, request DVS to conduct an audit of searches of their data. The audit report tells the customer which entity had employees who accessed their information and how often it was accessed. As a result, a customer following-up on an audit may contact your office to inquire why their information was accessed. Usually, once you explain the nature of your business they understand the reason you accessed the information.