



STATE OF INDIANA

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January 5, 2015

Ms. Rachael Ehlich
Indiana Bureau of Motor Vehicles
100 N. Senate Ave.
Indianapolis, IN 46204

Re: Informal Inquiry 14-INF-35; Subpoenas

Dear Judge Ehlich:

This is in response to your informal inquiry regarding records maintained by the Indiana Bureau of Motor Vehicles ("BMV"). Pursuant to Ind. Code § 5-14-4-10(5), I issue the following informal opinion in response to your inquiry. My opinion is based on applicable provisions Ind. Code § 5-14-3 *et. seq.*

BACKGROUND

You state in your inquiry the BMV regularly receives subpoenas requesting records which contain highly-restricted personal information as described in Ind. Code § 9-14-3.5-2.5. You inquire whether subpoenas would be court orders superseding the typical disclosure considerations of highly-restricted information.

ANALYSIS

According to Ind. Code § 9-14-3.5.2.5 "highly restricted personal information" means the following information that identifies an individual: digital photograph or image, Social Security number, medical or disability information. Name and address is "personal information" pursuant to Ind. Code § 9-14-3.5-5. There are standards for the release of both kinds of information found at Ind. Code § 9-14-3.5-10 and 10.5.

Ind. Code § 5-14-3-4 states:

The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(1) Those declared confidential by state statute.

A subpoena is a writ issued under the authority of the judiciary to compel a witness to testify or a party to produce a document. It is germane to the rules of discovery under the Indiana Trial Rules. See generally Rule 45. It is my opinion a subpoena would suffice to allow the BMV to disclose otherwise confidential records normally exempt under Ind. Code § 5-14-3-4(a)(1).

Please do not hesitate to contact me with any further questions.

Best regards,

A handwritten signature in black ink, appearing to read 'L. H. Britt', with a long, sweeping underline.

Luke H. Britt
Public Access Counselor