



STATE OF INDIANA

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December 5, 2015

Ms. Kathryn Box, Esq.
Indiana Bureau of Motor Vehicles
Via email

Re: Informal Inquiry 15-INF-29; Motor Vehicle Records

Dear Ms. Box:

This is in response to your informal inquiry regarding disclosure of personal information contained within motor vehicle records. 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 of the Access to Public Records Act ("APRA"), Ind. Code § 5-14-1.5-1 *et seq.*

BACKGROUND

The Indiana Driver's Privacy Protection Act ("DPPA") prohibits the disclosure of personal information associated with motor vehicle records by the Indiana Bureau of Motor Vehicles ("BMV"). See Ind. Code § 9-14-3.5-7.

When an individual applies for a certification to be a driver's education instructor, he or she submits their name and address to the BMV which is retained in the normal course of business. The name and address is considered personal information pursuant to Ind. Code § 9-14-3.5-5. Your question is whether names and addresses submitted in an application to become a certified instructor is part of the motor vehicle record and therefore confidential.

ANALYSIS

The public policy of the APRA states that "(p)roviding persons with information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information." See Ind. Code § 5-14-3-1. The Indiana Bureau of Motor Vehicles is a public agency for the purposes of the APRA. See Ind. Code § 5-14-3-2. Accordingly, any person has the right to inspect and copy the BMV's public records during regular business hours unless the

records are excepted from disclosure as confidential or otherwise non-disclosable under the APRA. *See* Ind. Code § 5-14-3-3(a).

140 IAC 4-1.3-1 sets forth the required documentation to be submitted in order to become licensed as a certified driving instructor and includes name and addresses. Although Ind. Code § 9-14-3.5-5 includes name and address as the personal information prohibited from disclosure under the DPPA, the statute is clear that it only applies to information contained in motor vehicle records. Motor vehicle records are defined in an exhaustive list as a driver's license, a permit, a vehicle or watercraft registration, a vehicle or watercraft title, or an identification document issued by the bureau. *See* Ind. Code § 9-14-3.5-4. Certifications or applications for certification are not listed.

The intent of the DPPA is “to protect the interest of individuals in personal privacy by prohibiting the disclosure and use of personal information contained in motor vehicle records”. *See* Ind. Code § 9-14-3.5-5. The instructor licensure process is mutually exclusive from any of the issuances listed in 9-14-3.5-4 and is an agency action pursuant to the Administrative Orders and Procedures Act. Driver’s instruction is a business enterprise or an educational program and not directly associated with the issuance of any one individual’s driving privilege.

The plain reading of the purpose of the DPPA is for the protection of driver’s privacy, but not necessarily that of an instructor as defined by Ind. Code § 9-27-6-4. Liberally construing the statute and its context in favor of transparency, it is my opinion the names and addresses of applicants for certified driving instructors are not confidential.

Please do not hesitate to contact me with any questions.

Best regards,

A handwritten signature in black ink, appearing to read 'L. H. Britt', with a stylized flourish at the end.

Luke H. Britt
Public Access Counselor