



STATE OF INDIANA

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October 19, 2013

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

Re: Informal Inquiry 14-INF-27; BMV Records 2 of 2

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 § 9-14-3.5 *et. seq.*

BACKGROUND

When an individual requests a driver's record, that individual must identify the driver by name, address and Social Security number. This information must not be disclosed by the BMV except under certain circumstances (*See generally, Informal Opinion of the Public Access Counselor 14-INF-26.*) The Legislature has imposed liability on public employees of the BMV who disclose such information. Your question is whether the BMV may disclose restricted information if the individual already has it or if the BMV must first redact it.

ANALYSIS

According to Ind. Code § 9-14-3.5.2.5 "highly restricted personal information" means the following information which 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.

For personal information, Ind. Code § 9-14-3.5-10 holds:

The bureau may disclose certain personal information that is not highly restricted information if the person requesting the information provides proof of identity and represents that the use of the personal information will be strictly limited to at least one (1) of the following: [a list of authorized uses are enumerated]

For what is considered “highly restricted information”, Ind. Code § 9-14-3.5-10.5 holds:

Highly restricted personal information may be disclosed only as follows:

- (1) With the express written consent of the person to whom the highly restricted personal information pertains.
- (2) In the absence of the express written consent of the person to whom the highly restricted personal information pertains, if the person requesting the information:
 - (A) provides proof of identity; and
 - (B) represents that the use of the highly restricted personal information will be strictly limited to at least one (1) of the uses set forth in section 10(1), 10(4), 10(6), and 10(9) of this chapter.

As indicated in *Informal Opinion 14-INF-26*, the BMV may only disclose this information if the requestor meets the criteria in both section 10 and 10.5. A plain reading of the statute suggests the BMV may only disclose in these circumstances and not merely if the requestor already has the information. Unless the “use” requirements are met, the BMV should not disclose this information. If it is met, then there would be no need to redact the information.

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

Best regards,



Luke H. Britt
Public Access Counselor