

# THE DRIVER PRIVACY PROTECTION ACT

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The federal Driver Privacy Protection Act [DPPA] was signed into law in 1994. It was passed in part in reaction to the death of actress Rebecca Shaeffer by an obsessed fan who obtained her home address from state department of motor vehicle (DMV) records and then stalked and killed her. The federal statute, as later amended in 2000, protects the privacy of certain personal driver information maintained by all state DMVs that previously was made available as public information. The DPPA specifically limits the circumstances under which the following information may be released: driver's name, address, photograph, date of birth, Social Security number, driver's license number, telephone number, and disability information.

The DPPA does allow dissemination of specific driver information to government agencies, police officers, those serving civil and criminal process, data surveys, private toll road operators, private companies and individuals fulfilling government purposes, and for limited private commercial purposes.

Recently, the U.S. Court of Appeals for the 7<sup>th</sup> Circuit, in the case of *Senne vs Village of Palatine, Ill.*, heard a case where Senne alleged that the Village of Palatine violated the DPPA by issuing a summons that contained restricted personal information to his vehicle.

Senne received a summons for prohibited parking. The summons was issued by an electronic device that directly accessed the Illinois DMV database. It included the usual information, but also contained the following registered owner information: name, address, driver's license number, date of birth, sex, height, and weight. The summons was printed and placed on the windshield of Senne's vehicle. It also doubled as a mailer and all of his personal information was clearly visible on the outside of the summons/mailer envelope.

Senne, immediately upon returning to his vehicle, finding the summons, and noting the significant amount of personal information there, went to the village administrators to protest it as a violation of the DPPA. The village, in its infinite wisdom, told him to take a hike, saying that the summons did not violate the DPPA because the information was disclosed for a legitimate police function.

Senne promptly sued the village and lost in the Federal District, which upheld the village's position that the information was disclosed for a legitimate governmental and police function. Senne appealed his case to the U.S. Court of Appeals for the 7<sup>th</sup> Circuit, which decided in his favor.

## The Decision

The court rejected the arguments that a law enforcement agency carrying out its functions would be exempt from any disclosure made through a parking citation. The court further dismissed the arguments of the village that disclosure of the personal information fell within three of the federal statute's exceptions: by a governmental or police agency; matters of motor vehicle safety; and in connection with the service of civil or administrative process.

Last, the court rejected the village's argument that disclosure under the statute required the turning over of personal information to a third party and that the printing of a summons and placing it on a car windshield was not a disclosure at all, and that absent proof that someone had read it, was not actionable or prohibited by the DPPA.

The Appeals Court stated, "To suggest that the meaning of the term 'disclosure' is so limited as to take the act of publication of protected information ... simply misunderstands the textual scheme that the Congress has forged. The action alleged here, placing the information on the windshield of the vehicle in plain view on a public way, is certainly sufficient to come within ... the statute regardless of whether another person viewed the information."

The court further stated, "The real effect of the placement of the ticket was to make available Senne's motor vehicle record to any passer-by. This sort of publication is certainly forbidden by the statute."

International Parking Institute (IPI) members should be careful not to disclose registered vehicle owner personal information, as the federal DPPA trumps and supersedes state information disclosure laws. It is always better for government to err on the side of caution and the preservation of individual rights. **P**



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