

Stowe Police Department

General Order: 1.24	Related General Orders:
Driver Privacy Protection	
This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.	
Applicable Vermont Statutes:	
Date Implemented: 08/08/2013	Date Revised:

I. PURPOSE:

1. The purpose of this directive is to establish Stowe Police Department policy on obtaining and/or disclosing personal information of drivers or other individuals derived from the state department of motor vehicles. Compliance with this directive will ensure that the Agency is in compliance with the Federal Driver's Privacy Protection Act, 18 U.S.C.S. § 2721.

II. POLICY:

1. The Stowe Police Department recognizes the right of drivers and other individuals to have their personal information retained by the state department of motor vehicles to remain private, unless that privacy interest is superseded by a legitimate law enforcement necessity. The Stowe Police Department recognizes that this right to privacy applies both to the obtaining of personal information by law enforcement officers, as well as the public disclosure thereof. It is the policy of the Stowe Police Department to ensure that its employees obtain and/or disclose information derived from the state department of motor vehicles only when necessary to law enforcement functions.

III. DEFINITIONS:

Motor Vehicle Record: Any record that pertains to a motor vehicle operator's permit, motor vehicle title, motor vehicle registration, or identification card issued by the state department of motor vehicles.

Person: Any individual, organization or entity, not including a State or agency thereof. This includes employees of the Stowe Police Department.

Personal Information: Information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information, but does not include information on vehicular accidents, driving violations, and driver's status.

Express Consent: Consent in writing, including consent conveyed electronically that bears an electronic signature as defined in section 106(5) of Public Law 106-229 [15 U.S.C.S. § 7006(5)].

IV. PROCEDURE:

1. Obtaining personal information from the state department of motor vehicles:
 - A. Obtaining personal information from the state department of motor vehicles is prohibited unless doing so is necessary:
 - a. To the carrying out of law enforcement functions, or
 - b. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.
 - B. All employees are expected to have an articulable rationale for obtaining personal information from the state department of motor vehicles.
2. Public disclosure of personal information obtained from the state department of motor vehicles:
 - A. Public disclosure of personal information obtained from the state department of motor vehicles is prohibited without the express consent of the person or persons in question, unless doing so is necessary:
 - a. To the carrying out of law enforcement functions, or
 - b. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.
 - B. When police records are requested without the express consent of the person or persons named therein, personal information as defined by Section III(C) of this policy shall be removed prior to disclosure.
 - C. Public disclosures include, but are by no means limited to, parking tickets and other citations which are placed in public view.

V. DISCIPLINE:

1. Any violation of this policy may be grounds for disciplinary action consistent with any applicable collective bargaining agreement, statute, Department policy or Town policy.

Issued by: _____

Donald Hull
Chief of Police