DOL Data Sharing

Presentation to the Joint Transportation Committee

May 17, 2018

Key Topic Areas:

- Data management and privacy protection
- Data sharing with law enforcement
- Driver and Plate Search (DAPS) System
- Commercial data brokers
- What's next

DOL Data Governance Board

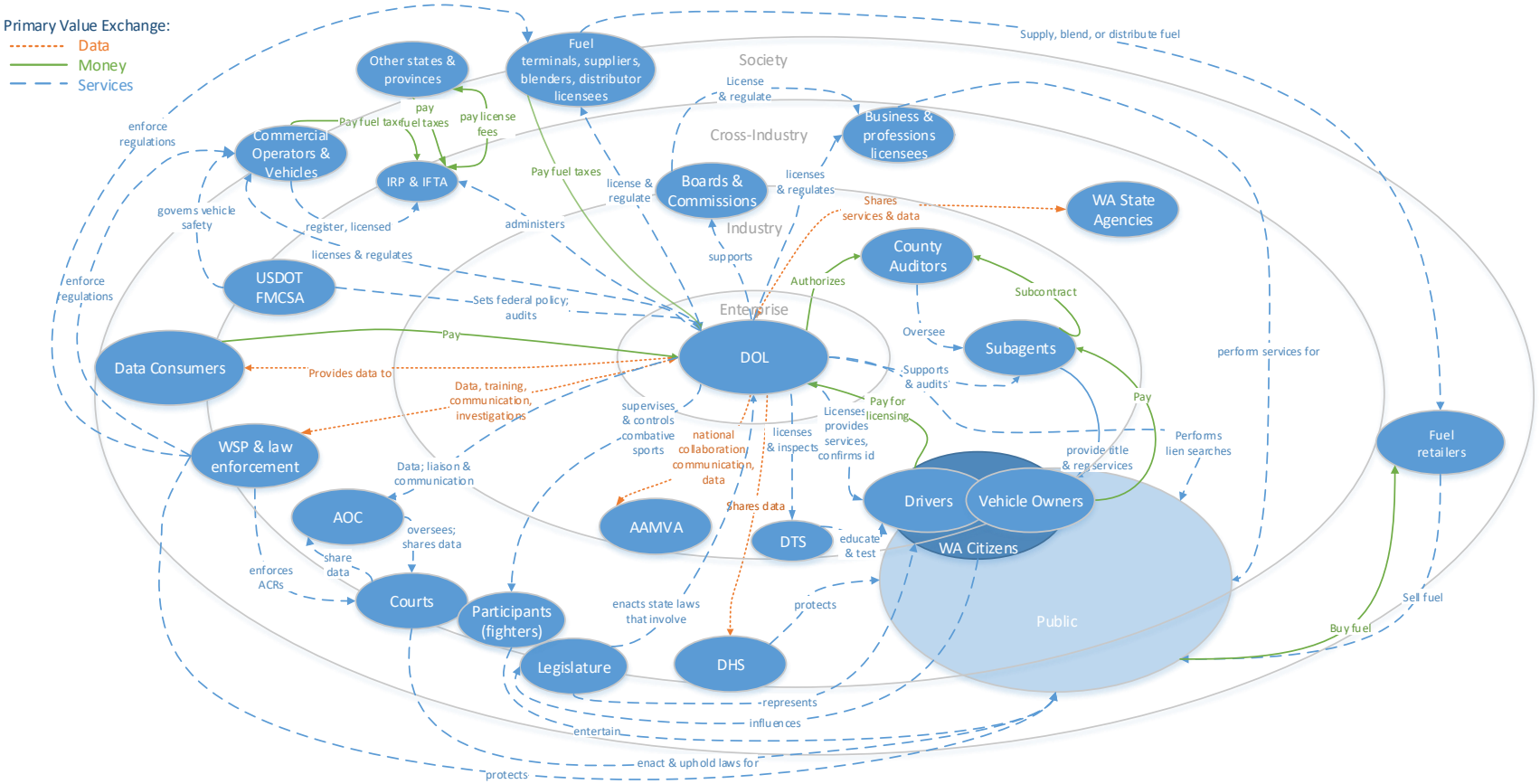
Formed in December 2016 to study how agency manages and shares data to make recommendations on proper stewardship through many areas including:

- Agency data privacy and sharing policies
- Identifying resource needs and alignment
- Open data initiatives
- Data ecosystem study

DOL Ecosystem (High Level)

License Drivers | License Vehicles | License Business & Professions | Collect Fuel Tax

Protect Public & Collect Revenue



DOL's data sharing activities are reflected in our work in two distinct areas:

- Data security: ensuring data we provide to any third party is transmitted and held securely to prevent redisclosure to any party not entitled to have it

- Permissible use: ensuring data we provide is only used for activities allowed by state and federal law

Primary types of data sharing

- Law enforcement
- Commercial
- Public disclosure

What guides the sharing of DOL data

- Laws (U.S. Code, RCW and WAC)
- Contracts
- Agency policy

Federal Driver Privacy Protection Act (18 U.S. Code § 2721) — driver and vehicle records

(b)Permissible Uses.—Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and chapters 301, 305, and 321–331 of title 49, and, subject to subsection (a)(2), may be disclosed as follows: (1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only— (A) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

(B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) 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.

(5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.

(6) For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49.

(10) For use in connection with the operation of private toll transportation facilities.

(11) For any other use in response to requests for individual motor vehicle records if the State has obtained the express consent of the person to whom such personal information pertains.

(12) For bulk distribution for surveys, marketing or solicitations if the State has obtained the express consent of the person to whom such personal information pertains.

(13) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(14) For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

RCW 46.52.120

Case record of convictions and infractions.

(1) The director shall keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each driver, showing all the convictions and findings of traffic infractions certified by the courts, together with an index cross-reference record of each accident reported relating to such individual with a brief statement of the cause of the accident and whether or not the accident resulted in any fatality.

(2) The records shall be for the confidential use of the director, the chief of the Washington state patrol, the director of the Washington traffic safety commission, and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be admitted into evidence in any court, except where relevant to the prosecution or defense of a criminal charge, or in case appeal is taken from the order of the director, suspending, revoking, canceling, or refusing a vehicle driver's license.

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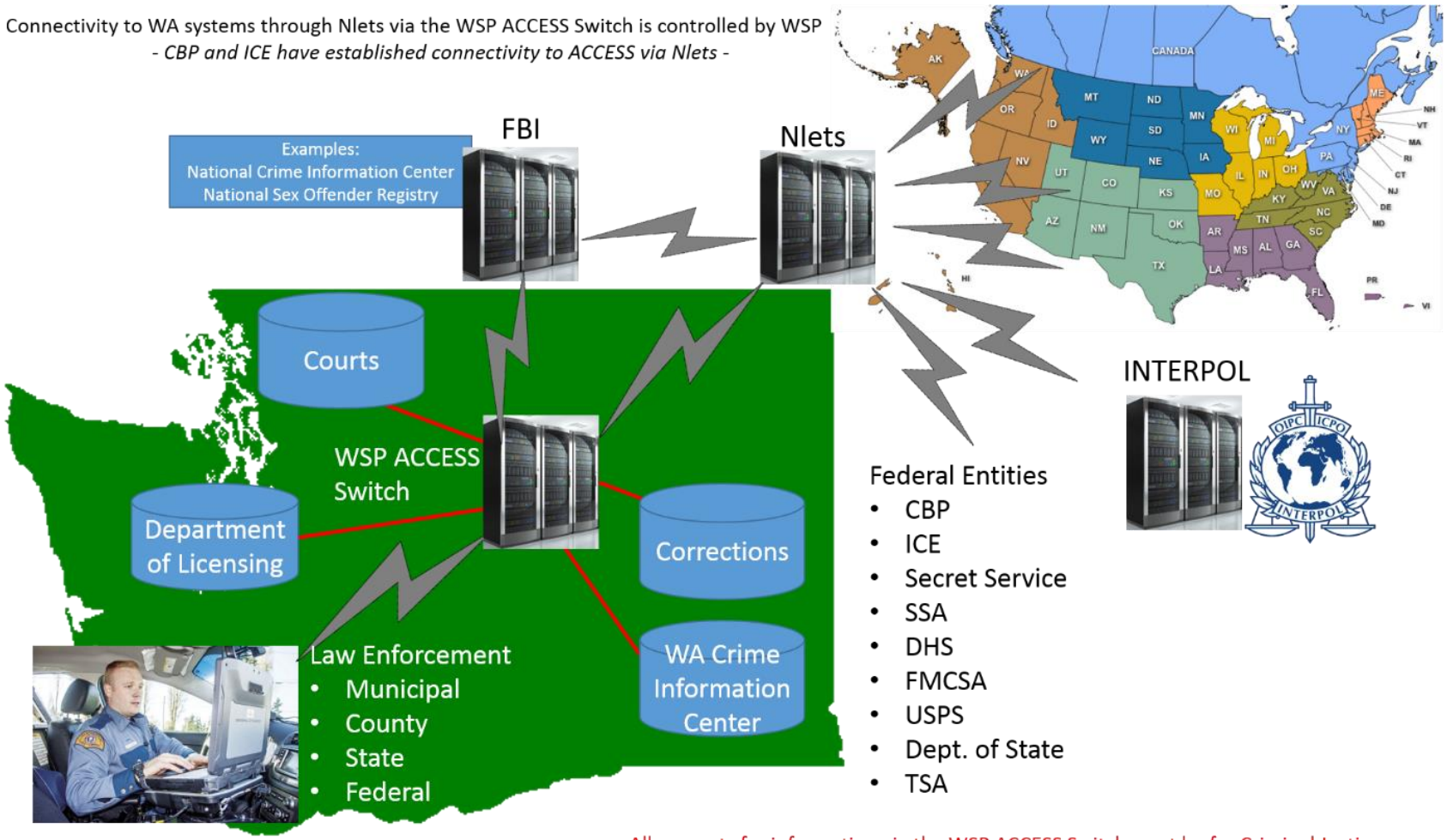
Law enforcement data systems

Connectivity to WA systems through Nlets via the WSP ACCESS Switch is controlled by WSP
- CBP and ICE have established connectivity to ACCESS via Nlets -



All requests for information via the WSP ACCESS Switch must be for Criminal Justice reasons only

Recent changes: non-required sharing

- Removed Social Security numbers from ACCESS system

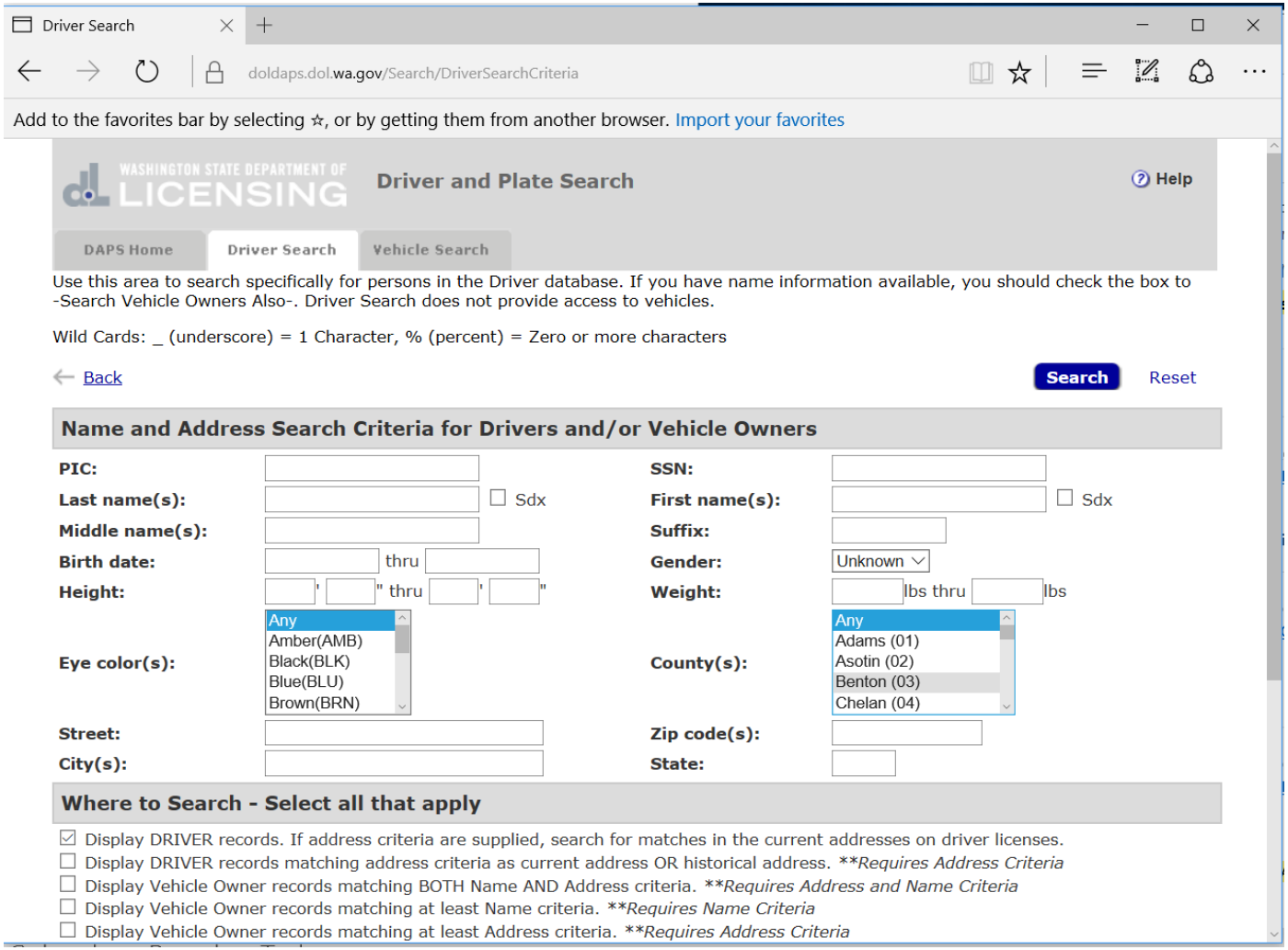
- Removed several types of comments that could convey information about an individual's place of birth or legal status

Driver and Plate Search (DAPS)

Department of Licensing provides a web-based search tool:

- Authorized users can search driver and vehicle records 24 hours a day
- Provides the ability to search for records when all the information necessary to do a direct look up is unavailable. For example, only a partial driver license number or plate is known, or search for all the vehicles registered at a certain address
- System is available to law enforcement and other agencies for emergencies and investigative purposes
- Access to DAPS and related searches requires authorization through contract with DOL, and connection to the system using a SecureAccess Washington Account

Driver and Plate Search (DAPS)



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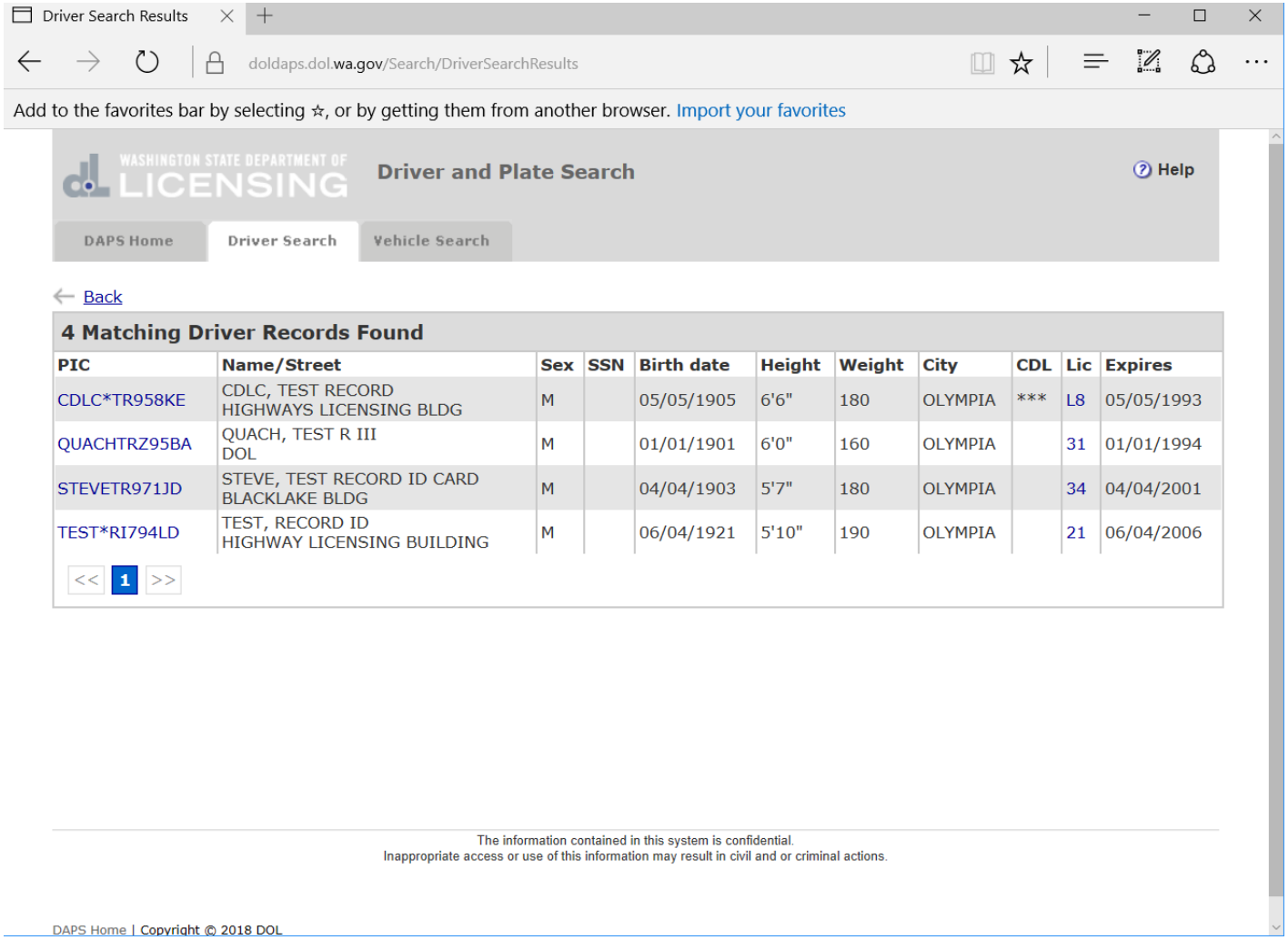

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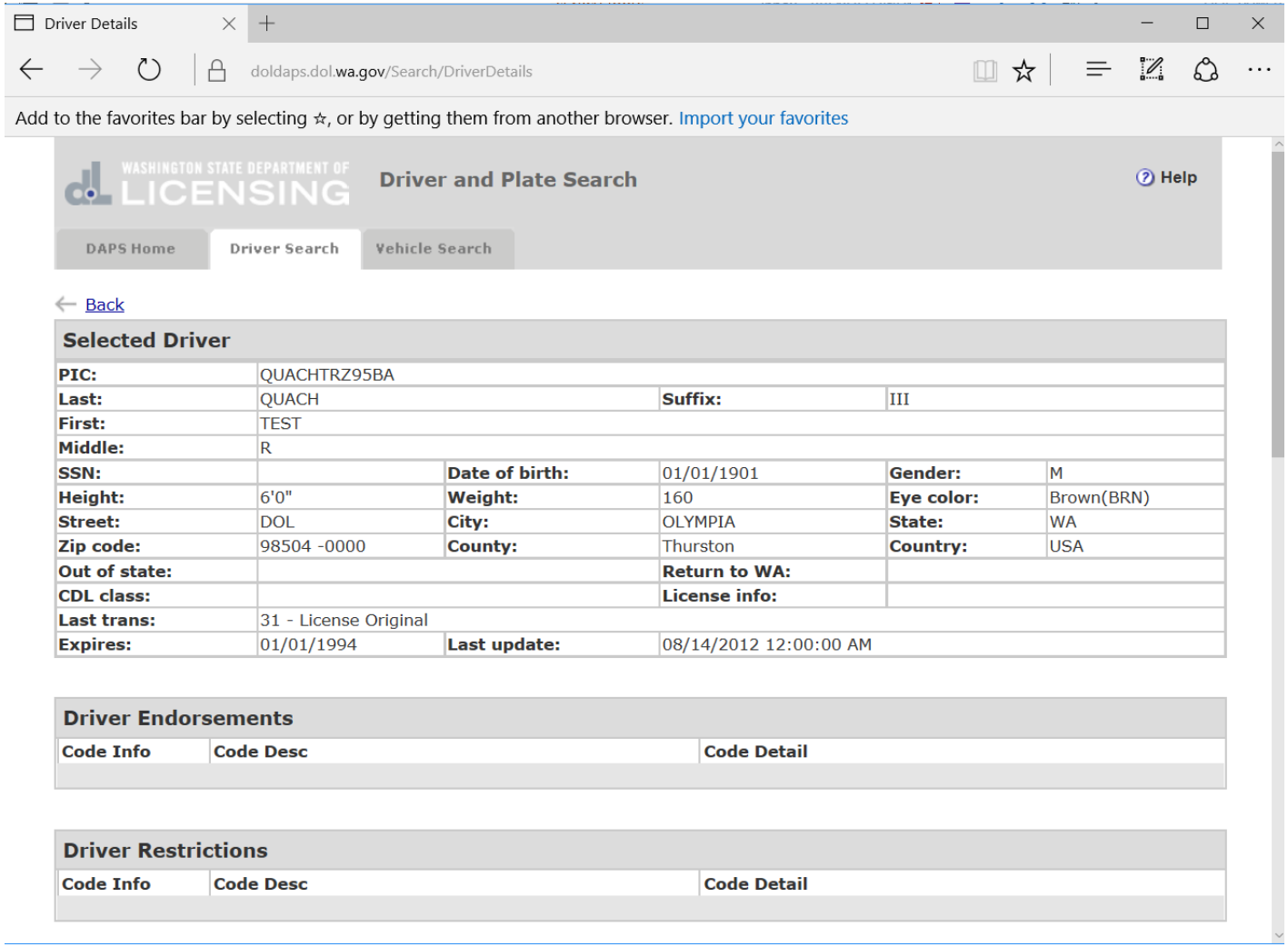


Driver Details

doldaps.dol.wa.gov/Search/DriverDetails

Add to the favorites bar by selecting ☆, or by getting them from another browser. Import your favorites

WASHINGTON STATE DEPARTMENT OF LICENSING

Driver and Plate Search

Help

DAPS Home | Driver Search | Vehicle Search

Back

Selected Driver

PIC:	QUACHTRZ95BA				
Last:	QUACH		**Suffix:**	III	
First:	TEST				
Middle:	R				
SSN:		**Date of birth:**	01/01/1901	**Gender:**	M
Height:	6'0"	**Weight:**	160	**Eye color:**	Brown(BRN)
Street:	DOL	**City:**	OLYMPIA	**State:**	WA
Zip code:	98504 -0000	**County:**	Thurston	**Country:**	USA
Out of state:			**Return to WA:**		
CDL class:			**License info:**		
Last trans:	31 - License Original				
Expires:	01/01/1994	**Last update:**	08/14/2012 12:00:00 AM		

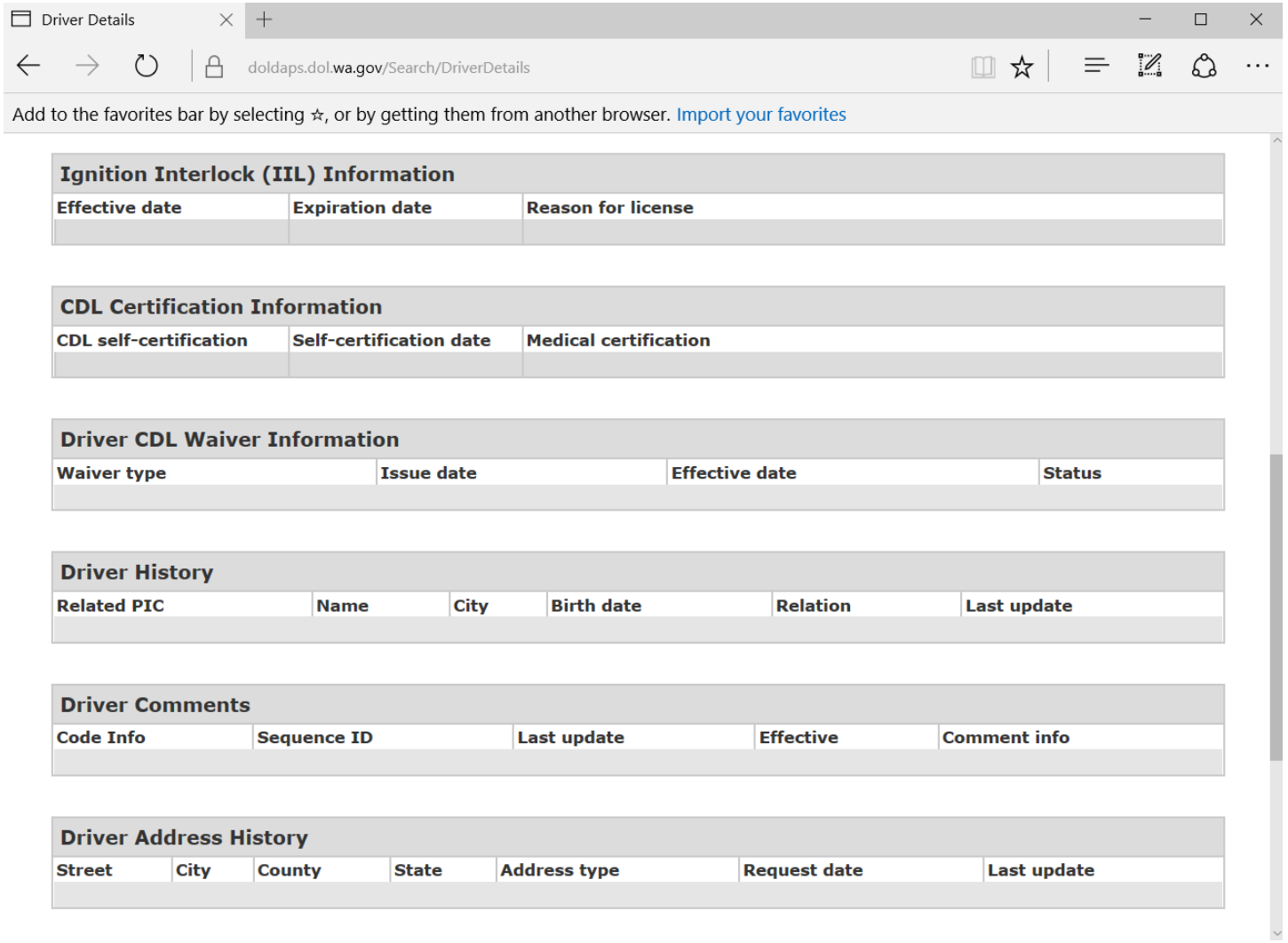
Driver Endorsements

Code Info	Code Desc	Code Detail

Driver Restrictions

Code Info	Code Desc	Code Detail

Driver and Plate Search (DAPS)



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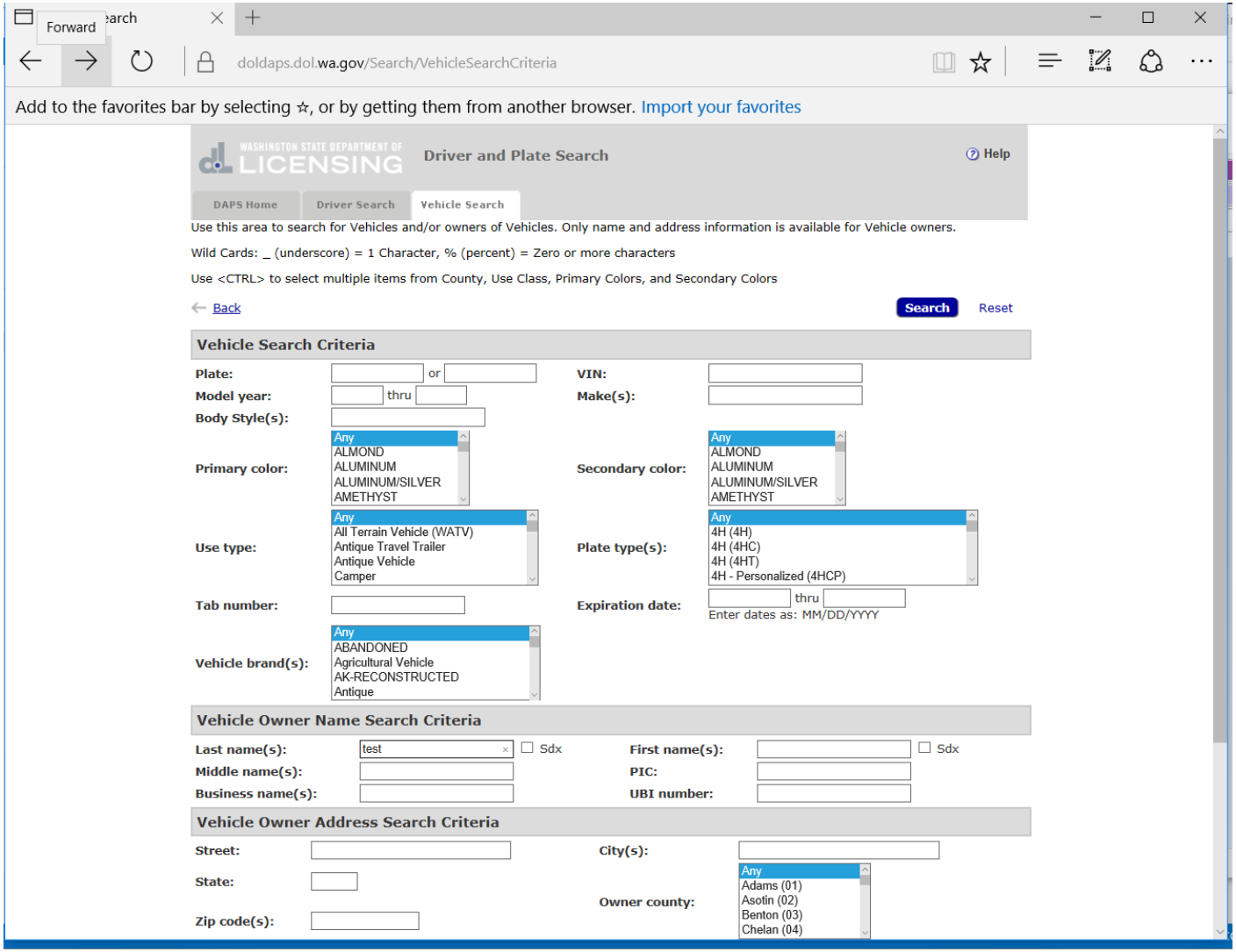

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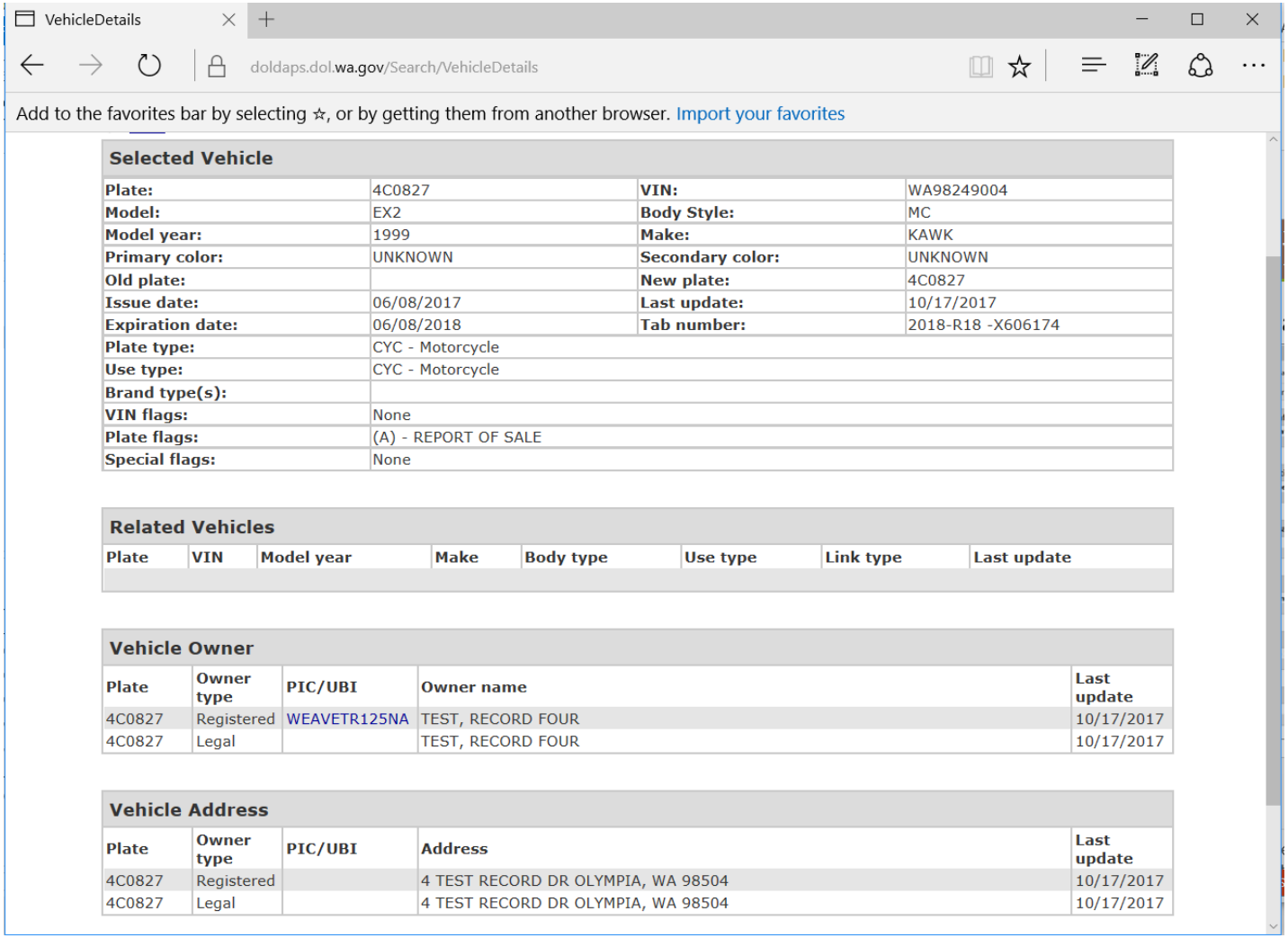


Selected Vehicle

Plate:	4C0827	**VIN:**	WA98249004
Model:	EX2	**Body Style:**	MC
Model year:	1999	**Make:**	KAWK
Primary color:	UNKNOWN	**Secondary color:**	UNKNOWN
Old plate:		**New plate:**	4C0827
Issue date:	06/08/2017	**Last update:**	10/17/2017
Expiration date:	06/08/2018	**Tab number:**	2018-R18 -X606174
Plate type:	CYC - Motorcycle		
Use type:	CYC - Motorcycle		
Brand type(s):			
VIN flags:	None		
Plate flags:	(A) - REPORT OF SALE		
Special flags:	None		

Related Vehicles

Plate	VIN	Model year	Make	Body type	Use type	Link type	Last update

Vehicle Owner

Plate	Owner type	PIC/UBI	Owner name	Last update
4C0827	Registered	WEAVETR125NA	TEST, RECORD FOUR	10/17/2017
4C0827	Legal		TEST, RECORD FOUR	10/17/2017

Vehicle Address

Plate	Owner type	PIC/UBI	Address	Last update
4C0827	Registered		4 TEST RECORD DR OLYMPIA, WA 98504	10/17/2017
4C0827	Legal		4 TEST RECORD DR OLYMPIA, WA 98504	10/17/2017

Recent changes

- Terminated DAPS contracts with four federal offices including two Immigrations and Customs Enforcement units, one Customs and Border Protection unit and one U.S. Customs and Immigration Service unit

- Requiring nine units of federal law enforcement agencies that may perform immigration-related work to sign new DAPS contracts with updated permissible use requirements. These new contracts contain this new permissible use language: “Licensee is strictly prohibited from using Data for purposes of investigating, locating, or apprehending individuals for immigration related violations.”

License Integrity Unit (LIU) law enforcement records requests

- Provide photos, applications, montages, vehicle titles, reports of sales, disabled placard information and other documents to law enforcement or other governmental agencies

- Provide after hours support to law enforcement for HOT requests
  - Nights and weekends, staff respond to requests where the act has just occurred and immediate apprehension is necessary for the following crimes: Homicide, rape, terrorism, threat to public official, armed robbery, US Marshal/FBI most wanted, kidnapping, officer involved shooting, missing person/Amber alert/Silver alert

RCW 46.20.118, USC 18 Title 2721, EO 17-01

Recent changes

- Created new approval and fulfillment process for all law enforcement requests with three levels of approval required and a special review for potentially immigration-related requests

- Started redacting information related to place of birth and source documents used to establish identity on driver license and ID card applications released to law enforcement

- Created new, secure web-based portal to track and retain all record requests from law enforcement processed by the License Integrity Unit

Commercial data brokers – Overview

- Aggregate information from a variety of sources and resell to private/public end users who have a legal business need for the information

- Often specialize in particular industries

- Required by contract to ensure end users of data comply with DPPA and state permissible uses

- Subject to DOL audits to ensure they are appropriately cascading permissible use and data security restrictions to recipients of data

Commercial Bulk Data does not include:

- Vehicle/driver/vessel data shared with outside entities that do not use the information for commercial purposes. Example: OSPI, WSDOT

- Requests for an individual record lookup by a commercial/non-commercial entity

How DOL Data is Used

Examples of Data Brokers

Polk, Experian, Republic Parking, Lexis Nexis, Safety Holdings

Examples of Data End Users

Industry	*Business Need*
Auto manufacturers	Notify consumers of vehicle recalls
Insurance company	Set insurance rates for consumers
Employers	Verify employee can safely drive
Parking lot companies	Assess parking violations

- **Specific Bulk Data DOL Shares**
  - Each commercial data broker contracts for data elements from DOL's driver/vehicle/vessel record

- **Method of Bulk Sharing**
  - Commercial data brokers receive raw data in bulk via an electronic interface via SFTP site or DOL web service

Example of Data Elements in a Vehicle Data File

ATTACHMENT B
VODS FILE LAYOUT

Department of Licensing shall provide to the Contractor vehicle and/or vessel Record Data contained in DOL database using the mutually agreed upon file lay out below. DOL reserves the right to edit and/or change the *File Layout* as considered necessary to the functions of DOL, with notice to the Contractor.

- Method of Access/Transfer: Once an established Secure Data Transfer connection with the host computer at Contractor location is confirmed, DOL will provide Data listed in *File Layout* list below, to Contractor.
- Delivery Method: Web Service Interface (VODS)
- Frequency of Data Delivery: DOL will provide Data multiple times daily or at times which are dependent upon DOL's receipt of the inbound record file or as mutually agreed upon. DOL will provide Data on additional dates upon request, and additional fees may apply.

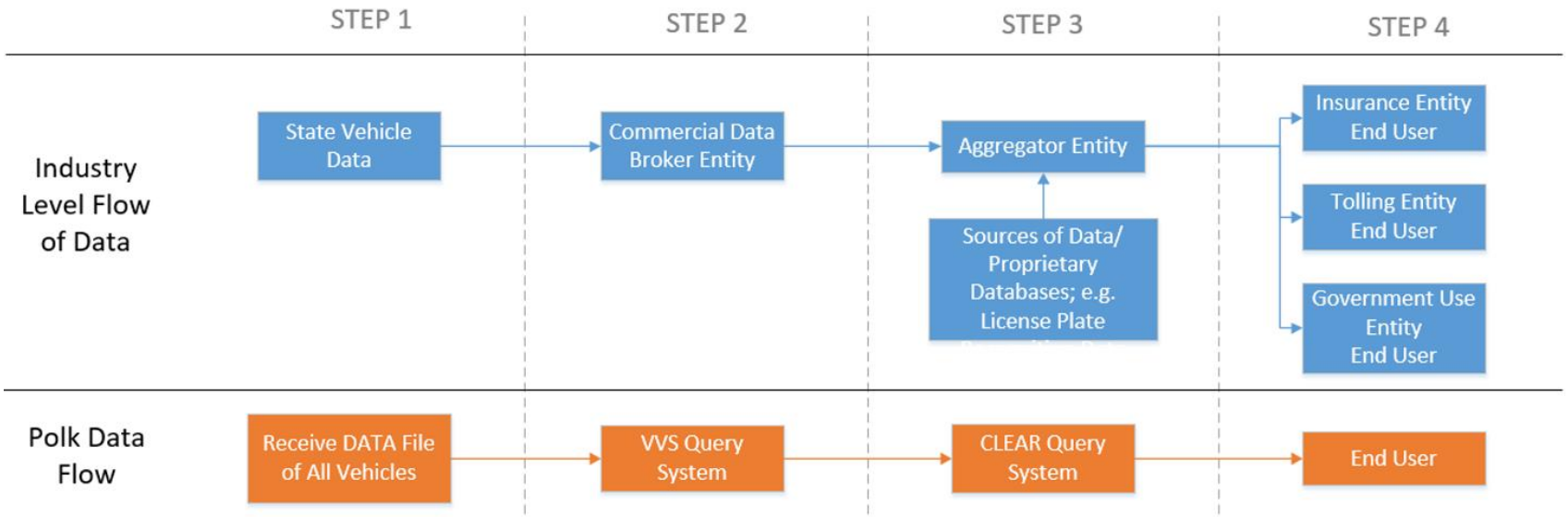
1. DESCRIPTION OF COLUMNS

- Field Description – describes the type of Data in that field.
- Data Base Name – identifies the name DOL field Data is stored in.
- Type – identifies if the Data is numeric (9), or alphabetic (x).
- Size Bytes – identifies the maximum number of characters for Data in that field.
- Position – identifies what location (position) the Data begins at in the file.

ATTACHMENT B
FILE LAYOUT

Field Name	Data Type	Nullable	Max Size	Description		Personal Information Y/N*
Request Types						
PlateInquiryRequest						N
RequestSentTimestamp	Date	FALSE		The date and time the request was sent		N
Plate	String	FALSE	12	The license plate to inquire on		N
EpermitInquiryRequest						N
RequestSentTimestamp	Date	FALSE		The date and time the request was sent		N
EpermitNumber	String	FALSE	8	The E Permit Number to inquire on		N
Response Types						
PlateInquiryResponse						
RequestedPlate	String	FALSE	12	The plate provided in the corresponding request		N
Vehicle	Vehicle	TRUE		An object containing vehicle data		N
registeredOwners	List(of Owner)	TRUE		The list of registered owners		Y
registeredOwnerAddress	Address	TRUE		The registered owner address		Y
reportOfSale	ReportOfSale	TRUE		An object containing report of sale data		N
spurchaserName	String	TRUE	60	The purchaser's name		Y
purchaserAddress	String	TRUE	150	The purchaser's address		Y
EpermitInquiryResponse						
Epermit	EPermit	TRUE		An object containing E-Permit data		N
Vehicle	Vehicle	TRUE		An object containing vehicle data		N
registeredOwners	List(of Owner)	TRUE		The list of registered owners		Y
registeredOwnerAddress	Address	TRUE		The registered owner address		Y
Data Objects						
Vehicle						
Plate	String	FALSE	12	The plate returned (may be different from the requested plate due to forward pointers)		N
expirationDate	Date	TRUE		The expiration date of the vehicle		N
VIN	String	FALSE	24	The vehicle identification number		N
Make	String	FALSE	5	The make of the vehicle		N
Model	String	TRUE	8	The model of the vehicle. Also known as Series body or series body type		N
ModelYear	String (CCYY)	FALSE		The model year		N
IsStolen	boolean	FALSE		True if the vehicle is stolen, false if it is not stolen		N
DateStolen	Date	TRUE		The date the vehicle was stolen		N
TitleTransferDate	Date	TRUE		The date the vehicle's title was transferred		N
PreviousTransactionCode	String	TRUE	2	The code representing the transaction before the most recent transaction		N
PreviousTransactionCodeDate	Date	TRUE		The date of the previous transaction		N
LastTransactionCode	String	TRUE	2	The code representing the most recent transaction		N
LastTransactionCodeDate	Date	TRUE		The last date of the last transaction		N
Address						
StreetAddress	List(of String)	FALSE	150	The street address lines. The street address lines are in order from first to last.		Y
City	String	FALSE	50	The city		Y
State	String	FALSE	2	The state 2 character code EX: WA		Y

Example of a Data Stream from DOL to End User



Number of Current Data Brokers and Subrecipients

	Vehicle Data	Driver Data	Vessel Data
# of Commercial Data Brokers	8	10	1
# of Subrecipients	550	34,000	1

Commercial Data Broker Revenue

2017 Revenue from Commercial Data Brokers – $26,371,232

Where does the revenue go?

Data Type	Per-Record Fee	Deposited To
Abstract Driver Record (ADR)	$13.00	50% Highway Safety Fund 50% State Patrol Highway Account
Driver Monitoring	$0.06	100% Highway Safety Fund
Bulk Vehicle Records	$0.02	100% DOL Technology Improvement and Data Management Account
Individual Vehicle Records	$2.00	100% Highway Safety Fund

Relevant Data Sharing Statutes

- Abstracts of Driver Records: RCW 46.52.130
- Vehicle and vessel records: RCW 46.12.630 and RCW 46.12.635
- Public Disclosure Act: Title 42.56 RCW
- Federal Driver Privacy Protection Act (DPPA)

Commercial Data Broker Audits

- Audit assesses compliance with data sharing contract and specifically examine the quality of procedures, policies and system controls in place to limit redisclosure to permissible uses

  - Data security audits are performed by third-party auditors

  - Permissible use audits are currently completed by two DOL auditors

Commercial Data Broker Audits

- For new contractors, they have to have the audits and fix all medium and high risk deficiencies found by the audit before they get the data.
- Required to be re-audited every three years.
- In non-audit years, they have to certify to us that they still meet the data security and permissible use requirements.
- Suspend or terminate access to data if contractors are found to be in non-compliance.

What's next:

- NextRequest secure system for LIU request management

- Potential budget request:
  - Central data management
  - Privacy Officer
  - Additional resources for data related audits

Questions?