

**NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM
PRIVACY POLICY
September 21, 2017**

I. PREAMBLE

The National Motor Vehicle Title Information System (“NMVTIS” or “System”) provides strong and appropriate privacy protection for all personally identifiable information (PII) held or communicated in NMVTIS. The operator of NMVTIS is the American Association of Motor Vehicle Administrators (“Operator”).¹ This Privacy Policy applies to the Operator of NMVTIS and to agencies, contractors, and service providers participating in NMVTIS.

The Anti Car Theft Act of 1992 (“Act”), Public Law No. 102-519, provides a statutory charter for NMVTIS. NMVTIS’ primary purpose is to protect consumers from fraud and unsafe vehicles, to keep stolen vehicles from being resold, and to provide an investigatory tool to law enforcement to facilitate law enforcement efforts to reduce vehicle-related crimes. The Anti Car Theft Improvements Act of 1996 provides the Department of Justice (“DOJ”) oversight responsibility for NMVTIS.

The Act requires NMVTIS to obtain information to enable authorized persons using the System to determine:

1. The validity and status of a document purporting to be a certificate of title;
2. Whether a vehicle bearing a known vehicle identification number (“VIN”) is titled in a particular State;
3. Whether a vehicle known to be titled in a particular State or bearing a known VIN is or has been reported as a junk vehicle or a salvage vehicle; and
4. For a vehicle known to be titled in a particular State, the odometer reading information of the vehicle on the date its certificate of title was issued and later odometer reading information, if noted by the State.

NMVTIS contains data obtained by lawful and fair means, consistent with the Department of Justice NMVTIS Final Rule, 28 C.F.R. Part 25 (“Final Rule”), including data from State motor vehicle titling agency and , Reporting Entities NMVTIS also contains data obtained from other federal entities, such as the National Highway Traffic Safety Administration and the General Service Administration; .

¹ The American Association of Motor Vehicle Administrators (AAMVA) is a tax-exempt, nonprofit organization developing model programs in motor vehicle administration, law enforcement and highway safety. Founded in 1933, AAMVA represents the state and provincial officials in the United States and Canada who administer and enforce motor vehicle laws. (<http://www.aamva.org/>)

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1. NMVTIS contains data (also referred to herein as “information”) from State motor vehicle titling agency databases consisting of:
 - VIN;
 - Any description of the automobile included on the certificate of title (including Brand Data affecting the value or safety of such vehicle);
 - The name of the individual or entity who holds the lien against the vehicle;
 - Information from junk or salvage yard operators or insurance carriers regarding the acquisition of junk automobiles or salvage automobiles, if this information is being collected by the state; and
 - For an automobile known to be titled in a particular state, the odometer mileage disclosure required under 49 U.S.C. 32705 for that automobile on the date the certificate of title for that automobile was issued and any later mileage information, if noted by the state.

2. NMVTIS contains information obtained from Reporting Entities consisting of:
 - The name, address, and contact information (email address or phone number) for the Reporting Entity;
 - VIN;
 - The date the automobile was obtained or designated as a Junk Vehicle, Salvage Vehicle or Total Loss;
 - The name of the individual or entity from whom the automobile was obtained and who possessed it when the automobile was designated as a Junk Vehicle, Salvage Vehicle or Total Loss;
 - The name of the owner of the automobile at the time of the filing of the report.
 - A statement of whether the automobile was crushed or disposed of, for sale or other purposes, to whom it was provided or transferred, and if the vehicle is intended for export out of the United States.

3. NMVTIS contains Brand Data obtained from the National Highway Traffic Safety Administration and the General Service Administration.

4. NMVTIS will only contain information obtained for purposes specified under the Act and in the Final Rule.

II. NMVTIS PRIVACY POLICY

A. Definitions

For the purposes of this Privacy Policy, all terms, except as expressly defined below, are used in the manner defined in the Privacy Act of 1974:²

² 5 U.S.C. § 552a.

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1. “Automobile” means four-wheel vehicles that are rated at less than 10,000 pounds gross vehicle weight, but excludes vehicles that operate solely on rails, certain vehicles manufactured in different states by two or more manufacturers, and certain work trucks.³
2. “Brand Data” means information about the condition of an automobile that impacts the value or the safety of an automobile, as recorded by a State or a Federal entity, which could be pertinent information to a prospective buyer or insurer. A brand is a descriptive label regarding the status of a motor vehicle, such as “junk,” “salvage,” and “flood” vehicles. Brand data does not denote the manufacturer or type of automobile.
3. "Certificate of Title" means a document issued by a State evidencing ownership of an automobile.⁴
4. “Consumer Access Provider” means an organization that provides public access to certain NMVTIS data in accordance with the Act.
5. “Inquiry Program” means any computerized comparison of NMVTIS information for the purpose of establishing or verifying information obtained pursuant to the Act, but does not include:
 - a. Inquiries performed to produce aggregate statistical data without any personal identifiers;
 - b. Inquiries performed to support any research or statistical project, the specific data of which may not be used to make decisions concerning the rights, benefits, or privileges of specific individuals; or
 - c. Inquiries performed by an agency (or component thereof) which performs as its principal function any activity pertaining to the enforcement of criminal laws, subsequent to the initiation of a specific criminal or civil law enforcement investigation of a named person or persons for the purpose of gathering evidence against such person or persons.
6. "Insurance Carrier" means an individual, corporation, or other entity which is engaged in the business of underwriting automobile insurance.⁵

³ DOJ NMVTIS Final Rule (Jan. 30, 2009) at 74 FR 5776. The Act specifically covers “automobiles” as defined at 49 U.S.C. 32901(a). Participating states, however, have been and will continue to provide information to NMVTIS on other types of motor vehicles possessing a VIN, such as motorcycles and various work trucks. The terms “automobile” and “vehicle” appear interchangeably in this Privacy Policy.

⁴ Act Title II, Sec. 201(2).

⁵ Act Title II, Sec. 201(3).

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7. "Junk Vehicle" or "junk automobile" means any automobile which is incapable of operating on public streets, roads, and highways; and has no value except as a source of parts or scrap.⁶
8. "Junk Yard" means any individual, corporation or other entity which is engaged in the business of acquiring or owning junk automobiles for resale as spare parts or for crushing.⁷
9. "Maintain" means to receive and store information within NMVTIS.
10. "NMVTIS Inquiry" means the request and receipt of information from the NMVTIS central site, States, and/or third party information providers.
11. "Odometer" means an internal instrument for measuring and recording the distance a motor vehicle is driven, but does not include an auxiliary instrument designed to be reset by the operator of the vehicle to record mileage of a trip.⁸
12. "Operator" means the individual or entity authorized or designated as the operator of NMVTIS under 49 U.S.C. 30502(b), or the office designated by the Attorney General, if there is no authorized or designated individual or entity.⁹
13. "Participating States" means State agencies responsible for vehicle registration and titling that regularly provide data to NMVTIS and/or make and receive NMVTIS inquiries.
14. "Personally Identifiable Information" ("PII") means information which identifies or relates to a natural person, including a person's name, address, telephone number.
15. "Recipient Entity" means any entity, or contractor thereof, receiving NMVTIS information.
16. "Reporting Entity" means any entity, an individual or corporation, Insurance Carriers, auto recyclers, Junk Yards, Salvage Yards, and individuals who submit information on Junk Vehicle, Salvage Vehicle and Total Loss.
17. "Salvage Vehicle" or "Salvage Automobile" means an automobile that is damaged by collision, fire, flood, accident, trespass, or other event, to the extent that its fair salvage value plus the cost of repairing the automobile for legal operation on public

⁶ Act Title II, Sec. 201(4).

⁷ Act Title II, Sec. 201(5).

⁸ 49 U.S.C. § 32702(5).

⁹ DOJ NMVTIS Final Rule (Jan. 30, 2009) at 74 FR 5777. AAMVA currently serves as the Operator of NMVTIS.

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streets, roads, and highways would be more than the fair market value of the automobile immediately before the event that caused the damage. Salvage Automobiles include automobiles determined to be a total loss under the law of the applicable jurisdiction or designated as a total loss by an Insurance Carrier under the terms of its policies, regardless of whether or not the ownership of the vehicle is transferred to the Insurance Carrier.¹⁰

18. "Salvage Yard" means any individual, corporation, or other entity which is engaged in the business of acquiring or owning Salvage Automobiles for resale, either in their entirety or as spare parts, or for rebuilding, restoration, or crushing.¹¹
19. "Single Vin Reporting Service" enables Insurance Carriers, auto recyclers, Junk and Salvage Yards, and individuals to submit information on vehicles that are junk or salvage (which includes total loss) to comply with the requirements of the Act.
20. "Source Entity" means an entity which provides data to NMVTIS.
21. "State" means a State of the United States or the District of Columbia.
22. "Theft Data" means reported stolen vehicle information maintained by the Federal Bureau of Investigation (FBI) in the National Crime Information Center (NCIC) Theft File. NMVTIS provides access to such reported stolen vehicle information.
23. "Total Loss" means the cost of repairing such vehicles plus projected supplements plus projected diminished resale value plus rental reimbursement expense exceeds the cost of buying the damaged motor vehicle at its pre-accident value, minus the proceeds of selling the damaged motor vehicle for salvage.¹²
24. "Transmit" means to transfer information within NMVTIS from one entity to another. This does not exclude temporary logging of information for auditing purposes.

B. Operator Responsibilities

¹⁰ DOJ NMVTIS Final Rule (Jan. 30, 2009) at 74 FR 5777.

¹¹ Act Title II, Sec. 201(8).

¹² DOJ NMVTIS Final Rule (Jan. 30, 2009) at 74 FR 5777.

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1. Operator shall maintain only such PII as is relevant to accomplish its responsibilities as required under the Act.
2. Operator shall inform each Source Entity that provides PII to NMVTIS of the following information:
 - a. The authority granted by the Act, which authorizes the solicitation of the PII and whether disclosure of such PII is mandatory or voluntary;
 - b. The principal purpose or purposes for which the PII is intended to be used; and
 - c. The effects on the source entity, if any, of not providing all or any part of the requested PII.
3. Insofar as possible, the Operator shall receive PII only from those reputable and reliable Source Entities which Operator has reason to believe have provided PII that is accurate, complete, timely, and relevant. Information obtained from organizations and individuals through the Single VIN Reporting Service is considered reputable and reliable.
4. Operator shall provide the following information to each recipient entity receiving PII from NMVTIS:
 - a. The authority granted by the Act, which authorizes the receipt of the PII by the recipient entity;
 - b. The principal purpose or purposes for which the PII is authorized to be used; and
 - c. The responsibilities of the recipient entity, if any, for receiving all or any part of the provided PII.
5. Operator shall establish rules of conduct and conduct background checks for persons involved in the internal design, development, operation, or maintenance of NMVTIS system and data, require written agreement to comply with the rules of conduct, and train each such person with respect to such rules and the requirements of this Privacy Policy and the penalties for noncompliance.
6. Operator shall establish appropriate administrative, technical and physical safeguards to insure the security and confidentiality of PII. PII shall be protected by reasonable security safeguards against such risks as loss or unauthorized access, destruction, use, modification, or disclosure.
7. Operator shall share PII in order to accomplish NMVTIS' purposes under the Act and only with those Operator officers and Operator employees who have a need for the PII in the performance of their duties.

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8. Operator shall retain all NMVTIS information, including PII, during the useful life of the information in accordance with records retention schedules.
9. Operator shall designate a Privacy Officer who shall be trained as appropriate. The Privacy Officer will possess one of the following certifications: Certified Information Security Manager (CISM), Certified Information System Security Professional (CISSP) or Certified Information Privacy Professional (CIPP).

The Privacy Officer shall receive and resolve reports or complaints regarding alleged errors and violations of this policy and insure that privacy protections are implemented through efforts such as training, business process changes, and system designs that incorporate privacy enhancing technologies. The Privacy Officer can be contacted at: AAMVA's Chief Information Security Officer 703-522-4200 or privacy@aamva.org.

C. Operator Disclosures

1. Operator discloses PII, upon request and in order to accomplish NMVTIS' purposes:
 - a. To Participating States; and
 - b. To Federal, State, local, territorial, or tribal law enforcement officer, once verified by DOJ.
2. Operator discloses non PII data upon request and in order to accomplish NMVTIS' purposes:
 - a. Consumer Access Providers.
3. Operator discloses PII, upon request and insofar as practicable:
 - a. To the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity;
 - b. To the National Archives and Records Administration as information which has sufficient historical or other value to warrant its continued preservation by the United States Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the PII has such value;
 - c. To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity, and if the head of the agency or instrumentality has made a written request to NMVTIS specifying the particular portion desired and the law enforcement activity for which the PII is sought;
 - d. To either House of Congress, or, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee;
 - e. To the Comptroller General, or any of his authorized representatives, in the course of the performance of the duties of the Government Accountability Office;
 - f. Pursuant to a compulsory process;

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- g. For use in research activities, and for use in statistical reports, so long as any PII is not published, re-disclosed, or used to contact persons; or
 - h. To DOJ in furtherance of DOJ's oversight authority and responsibility for operating NMVTIS.

- 4. Operator shall not disclose any PII to any entity other than as provided in this Privacy Policy. Operator, in emergency circumstances, may make disclosures as necessary for emergency purposes. Such disclosures, whenever practicable, should be made in consultation with and approval of DOJ.

- 5. Inquiry Program Agreements – No NMVTIS information may be disclosed to a Recipient Entity for use in a computer matching program except pursuant to a written agreement between Operator, the Source Entity, and the Recipient Entity specifying:
 - a. The purpose and legal authority for conducting the program;
 - b. A description of the information subject to inquiry, including each data element that will be used;
 - c. Data retention requirements of the NMVTIS information received by a Recipient Entity in such inquiry program;
 - d. The requirement to implement and maintain appropriate administrative, technical, and physical security safeguards to protect the information inquired about under the inquiry program;
 - e. Prohibitions on duplication and disclosure of NMVTIS information provided by the Source Entity within or outside the Recipient Entity, except where required by law or essential to the conduct of the inquiry program;
 - f. That Operator may have access to all records of a Recipient Entity that Operator deems necessary in order to monitor or verify compliance with the agreement. Operator may not disclose any information to a Recipient Entity for an inquiry program if Operator has reason to believe that the requirements of the inquiry program agreement are not being met by such Recipient Entity.

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D. Access and Correction

1. For individuals – Upon written request by any person to obtain PII pertaining to him or her, Operator shall refer the person to the appropriate Participating State DMV. A person may request correction of his or her PII by contacting the Participating State DMV which issued the certificate of title. Such correction shall be provided to the Operator by the Participating State DMV. The Operator changes and/or updates any PII contained in NMVTIS based on information received from Participating State DMVs, according to applicable procedures/policies.
2. For Junk Yards; Salvage Yards; and Insurance Carriers – Upon written request by any person to obtain PII pertaining to him or her, Operator shall refer the person to the appropriate Source Entity. A person may request correction of his or her PII by contacting the Source Entity which provided the PII to NMVTIS. Such correction shall be provided to the Operator by the Source Entity. The Operator changes and/or updates any PII contained in NMVTIS based on requests by the Source Entity.

E. Data Management

1. Compliance

Operator shall endeavor to review annually NMVTIS operations' level of compliance with this Privacy Policy.

2. Accountability

Where Operator has reason to believe a violation has occurred, Operator reserves the right to refer such violation to DOJ and the appropriate law enforcement entity.

H. Notice

The Privacy Policy shall be available online to the general public.

I. Amendment

Operator shall revise this Privacy Policy from time to time without further notice. Updates to the Privacy Policy shall be available online.

Questions or comments concerning this Privacy Policy may be directed to the Privacy Officer at: AAMVA's Chief Information Security Officer 703-522-4200 or privacy@aamva.org.