

# HB290 - Driver License Record Amendments

## Changes Required to Protect Utah's Personal Identifiable Information (PII)

### HB290 ACTUALLY LEGALIZES AND ENCOURAGES THE DISTRIBUTION OF PII

- **As passed by the House, HB290 totally fails to protect the Personal Identifiable Information (PII) of Utah driver license holders.**

*PII is "any information about an individual maintained by an agency, including (1) any information that can be used to distinguish or trace an individual's identity, such as name, social security number, date and place of birth, mother's maiden name, or biometric records; and (2) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information."* Source: [United States Government Accountability Office](#), the United States [Department of Commerce's National Institute of Standards and Technology](#), and the United States [Office of Management and Budget](#):

- **HB290 authorizes the Drivers License Division (DLD) to distribute the PII of Utahns to outside entities.** Lines 37-53 authorize the DLD to give the PII of millions of Utah drivers (1) to private investigators; (2) to insurers; (3) to depository institutions; (4) to the Tax Commission; and (5) to the University of Utah for data collection in relation to genetic and epidemiologic research. While this may have been acceptable 25 years ago when [18 U.S.C. Chapter 123](#) was enacted and when PII was largely in paper records, it is no longer acceptable given the threat of hacking and the very real possibility that the PII of millions of Utahns will be stolen and posted to the internet.

### RECOMMENDED FIXES TO PROTECT UTAH DRIVER LICENSE HOLDERS' PII

- **Delete lines 37-49.** The disclosures of PII authorized by these lines results in highly sensitive the PII being transferred from the Driver License Division to data bases maintained by private sector entities or by the University of Utah. For example, according a [state audit](#), the DLD provides the University of Utah with the following PII of [millions](#) of Utahns: *Name, date of birth, place of birth, SSN, address, mother's maiden name, physical characteristics of licensed individuals*. This data transfer gives hackers multiple opportunities to obtain the PII of millions of Utahns.
- **If lines 37-49 are not deleted then amend the bill to do the following:**
  1. **Require the Driver License Division to**
    - a) notify those applying for or renewing a driver licenses that their PII will be given to the entities on lines 37-53, and
    - b) give the holders of Utah driver licenses the option to make their records private so their information will not be released by the DLD except for public safety purposes.
  2. **Explicitly require the Driver License Division to obtain the consent of license holders as required by [18 USC Ch. 123](#)** before releasing *highly restricted personal information*," which is defined as an individual's photograph or image, social security number, medical or disability information. The Driver License Division should also be specifically prohibited from releasing a license holder's mother's maiden name, place of birth and date of birth without the license holder's written consent. Note: According to a [state audit](#), all of the highly sensitive personal information of millions of Utahns has been released by the DLD without their consent which could result in a federal penalty of \$5,000 per day of non-compliance.
  3. **Add penalties for the misuse of PII and failure to properly safeguard it once released by the Driver License Division.** The bill must include strict requirements for handling and safeguarding PII that is released under lines 37-49. There should also be a penalty equal to or stricter than the Class A Misdemeanor and fines that apply when the birth dates of registered voters released by the Elections Office are not properly used or protected (Utah Code [20A-2-104](#)).
  4. **Require that the Driver License Division continually verify the security of outside data bases holding PII that it has released and that those using the PII properly protect it at all times.**