

**TREASURY DOCUMENTATION****Subject**

Department of State Records, Access

**For**

SECURITY GUIDE

**Also See**

ET-03115; PT-03137

<b>Identification</b>	ET-03172 Policy
<b>Effective</b>	7-1-2004
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<b>Replaces</b>	New

The Motor Vehicle Code (Public Act 300 of 1949, as amended) and State Personal Identification Card Act (Public Act 22 of 1972, as amended) governing driver privacy protection define appropriate access to and use of Department of State records by governmental entities. In accordance with the Interagency Agreement between the Departments of State and Treasury, access rights will be granted to certain Department of State records containing personal information. Personal information as defined statutorily identifies an individual by:

- Photograph or image
- Name
- Address
- Driver license number
- Social security number
- Telephone number
- Digitized signature
- Medical and disability information.

The Department of Treasury will only have access to names, addresses, driver records and driver license numbers contained in Department of State records. Treasury staff authorized as users of Department of State records may use these records for the purpose of:

1. Obtaining better addresses for a person who or entity that:
  - Has an outstanding obligation to or debt owed which is collected by the Department of Treasury.
  - Is owed monies pursuant to a judicial or administrative order served upon the State of Michigan.
  - Is owed monies by the State of Michigan.
  - Has involvement in litigation with the Department of Treasury.
  - Has requested an informal conference or exercised appellate recourse with the Department of Treasury.
  - Serves as a sole proprietor, partner or corporate officer in an entity that is or was registered for tax purposes with the Department of Treasury.
  - Is under a civil or criminal investigation by the Department of Treasury.
  - Is applying for, is licensed with or was a licensee for State of Michigan tax purposes.
2. Skip-tracing individuals who are subject to investigation by or have an obligation to the State of Michigan or Department of Treasury.

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3. Investigating registration, title, sale and transfer of property subject to investigation, seizure or sale by the Department of Treasury or its designee.
4. Inspecting proof of financial responsibility and security by owners of property for imposition, levy and collection of specific taxes.
5. Identifying vehicles owned by a particular driver.
6. Validating other information including driver records administered for functions by the Department of Treasury.

**Note:** The Department of Treasury's Office of Security and Disclosure Officer must approve specific functions that require validation and access to Department of State records to ensure continued compliance with the Interagency Agreement, and for appropriate notification and approval by the Department of State.

The Michigan Vehicle Code and State Personal Identification Card Act through the amendments (commonly called the Driver Privacy Protection Acts) prohibit disclosure of information to unauthorized persons and prohibit intentional inspection of information if not appropriate for functions administered by the Department of Treasury. Civil Service Commission Rule 1-12.7 concerning conflict of interest also imposes restrictions on employees as to divulging or releasing confidential information for personal gain.

Access to Department of State records shall be certified in writing and limited to the records and screens that provide necessary information for executing job responsibilities. Intentional inspection of Department of State records which is not in accordance with an employee's job responsibility and in compliance with the Interagency Agreement between the Departments of State and Treasury will be considered conduct unbecoming a state employee. Any Department of Treasury employee, agent or vendor may only use Department of State electronic records for the purpose of carrying out job functions for or on behalf of the Department of Treasury.

No employee, agent or vendor may divulge any facts or information obtained in connection with Department of State records, nor intentionally inspect any information contained within Department of State records, unless the inspection is appropriate for the administration of specific Department of Treasury functions to which he or she is assigned. No information in any media, including paper, may be released without written authorization from the Department of State and must be destroyed in accordance with Department of Treasury Policy ET-03115 and Procedure PT-03137.

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Violation of this Policy could lead to termination of the Department of State's Interagency Agreement with the Department of Treasury for access privileges to its records by the Department of State, imposition of fines and civil and/or criminal action against the violator. Any employee failing to comply with this Policy could have access privileges revoked and be subject to disciplinary action up to and including dismissal. An agent or vendor operating on behalf of the Department of Treasury failing to comply with this Policy will have access privileges revoked and could face contractual sanctions including termination of its relationship with the Department of Treasury. Any violator could be subject to a felony punishable by imprisonment for up to 15 years and fines of \$15,000.

Pertinent provisions of Public Acts 222 and 300 concerning access to and disclosure of information, and civil or criminal action are quoted below.

**Public Act Excerpts**

Applicable excerpts from Public Acts 222 of 1972, as amended, and 300 of 1949, as amended, will be listed in accordance with their Michigan Compiled Laws (MCL) reference.

MCL 28.298(3) and MCL 257.208c(3) state that "Personal information in a record maintained under this act may be disclosed by the secretary of state as follows: (a) For use by a federal, state, or local governmental agency, including a court or law enforcement agency, in carrying out the agency's functions, or by a private person or entity acting on behalf of a governmental agency in carrying out the agency's functions . . . . (c) For use in the normal course of business by a legitimate business, including the agents, employees, and contractors of the business, but only to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors, and if the information as so submitted is no longer correct, to obtain the correct information, for the sole purpose of preventing fraud by pursuing legal remedies against, or recovering on a debt against, the individual. (d) For use in connection with a civil, criminal, administrative, or arbitration proceeding in a federal, state, or local court or governmental agency or before a self-regulatory body, including use for 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, an administrative agency, or a self-regulatory body."

MCL 28.300(1) and MCL 257.232(1) state that "Upon request, the secretary of state may furnish a list of information from the records of the department maintained under this act to a federal, state, or local governmental agency for use in carrying out the agency's functions, or to a private person or entity acting on behalf of a governmental agency for use in carrying out the agency's functions."

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MCL 28.295a(1) states “A person . . . who uses personal information for a purpose other than a permissible purpose . . . is guilty of a felony. (2) A person who is convicted of a second violation of this section shall be punished by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than \$1,500.00 or more than \$7,000.00, or both. (3) A person who is convicted of a third or subsequent violation of this section shall be punished by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than \$5,000.00 or more than \$15,000.00, or both.”

MCL 257.903 states “(1) A person who uses personal information for a purpose other than a permissible purpose . . . is guilty of a felony. (2) A person who is convicted of a second violation of this section shall be punished by imprisonment for not less than 2 years or more than 7 years, or by a fine of not less than \$1,500.00 or more than \$7,000.00, or both. (3) A person who is convicted of a third or subsequent violation of this section shall be punished by imprisonment for not less than 5 years or more than 15 years, or by a fine of not less than \$5,000.00 or more than \$15,000.00, or both.”

**End**