

Notice of Criminal Penalties and Civil Action for the Misuse of LEIN

Misuse of the Michigan State Police Law Enforcement Information Network (LEIN) and its interfaced systems violates Michigan Compiled Law 28.214, Section 4 of the C.J.I.S. Policy Council Act:

- (3) A person shall not access, use, or disclose nonpublic information governed under this act for personal use or gain.
- (5) A person shall not disclose information governed under this act in a manner that is not authorized by law or rule.
- (6) A person who intentionally violates subsection (3) or (5) is guilty of a crime as follows:
  - (a) For a first offense, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.
  - (b) For a second or subsequent offense, the person is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

Misuse of the FBI National Crime Information Center (NCIC) is subject to additional federal criminal and/or civil penalties. The federal Privacy Act of 1974 states:

- (3) Any person who knowingly and willfully requests or obtains any record concerning an individual from an agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000. [5 USC Sec.552a(i)]

Misuse of criminal history record information obtained through NCIC violates the Code of Federal Regulation, Title 28, Section 20.25:

Any agency or individual violating subpart B [State and Local Criminal History Record Information] of these regulations shall be subject to a civil penalty not to exceed \$11,000 for a violation occurring on after September 29, 1999.

Misuse of Secretary of State (SOS) records violates State of Michigan driver and vehicle privacy protections laws. [MCL 28.295a, 257.902, 257.903, 324.80130d, 324.80319a, 324.81120, 324.82160, and other provisions of law.]

Under Michigan law, a person who makes a false representation or a false certification to obtain personal information or who uses personal information for a purpose other than a permissible purpose identified in the law is guilty of a felony, which may be punishable by imprisonment for up to 5 years and/or a fine of up to \$5,000. Subsequent convictions may result in imprisonment for up to 15 years and/or a fine of up to \$15,000.

Misuse of motor vehicle records is subject to additional federal criminal and/or civil penalties. The federal Driver's Privacy and Protection Act of 1994 states:

18 USC Sec. 2723:

- (a) Criminal Fine. – A person who knowingly violates this chapter shall be fined under this title.

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18 USC Sec. 2724:

- (a) Cause of Action. – A person who knowingly obtains, discloses or uses personal information, from a motor vehicle record, for a purpose not permitted under this chapter shall be liable to the individual to whom the information pertains, who may bring a civil action in a United States district court.
- (b) Remedies. – The court may award –
  - (1) actual damages, but not less than liquidated damages in the amount of \$2,500;
  - (2) punitive damages upon proof of willful or reckless disregard of the law;

I have read and understand the above Notice of Criminal Penalties and Civil Action and I agree to comply with its contents. Further, I understand that any violation of its contents may result in disciplinary action and/or referral for prosecution.

\_\_\_\_\_  
Employee/User Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

The LEIN Terminal Agency Coordinator is responsible for reporting to LEIN Field Services all known or suspected wrongful or personal access, use, or disclosure of information obtained from LEIN/NCIC/SOS. To report inappropriate access to the Michigan State Police Law Enforcement Information Network, or its interfaced systems, please visit:

<http://www.michigan.gov/lein>

Or, send an e-mail to [MSP-LEINComplaints@michigan.gov](mailto:MSP-LEINComplaints@michigan.gov)