



---

---

# **Legislative Briefs**

---

---

from the Wisconsin  
Legislative Reference Bureau

Legislative Brief 00-3

May 2000

## **PRIVACY OF STATE-COLLECTED PERSONAL INFORMATION**

1999 Wisconsin Act 88, passed by the legislature and signed by Governor Thompson on April 24, 2000, requires that parties applying for licenses and other services at the Departments of Transportation (DOT), Natural Resources (DNR), and Regulation and Licensing (DORL) must be given the option to restrict the release of personal information. An applicant may choose to keep personal data from being sold or provided in lists of 10 or more records to mass marketers and others by specifying on the application form his or her wish to be excluded from bulk lists. This “opt-out” law, which is designed to reduce unwanted or unsolicited mass mailings or telemarketing calls and may aid in reducing identity theft, takes effect on November 1, 2000.

### **PERSONAL INFORMATION COVERED**

For the purposes of the law, “personal identifiers” include the following items:

- Name
- Social Security number
- Telephone number
- Street address
- Post office box number
- 9-digit extended ZIP Code

### **RECORDS COVERED**

- DOT: Driver’s (operator’s) licenses; motor vehicle registrations; vehicle certificates of title; state identification cards; or special identification cards issued to physically disabled persons for parking.
- DNR: Hunting, fishing, trapping, boating, and snowmobile licenses; or lists of subscribers to departmental magazines, periodicals, or other publications.
- DORL: professional or occupational licenses or credentials.

### **“OPT-OUT” DESIGNATION ON APPLICATION FORMS**

Act 88 requires that all three agencies provide on their written and electronic application forms a place for the individual to designate that personal identifiers be excluded from listings of 10 or more persons. The forms must also have a statement indicating the effect of making

such a designation and a place for the person to reverse a previous restrictive designation. DOT currently offers individuals, upon request, Form MV3592, "Request to Withhold Name and Address", which allows them to prohibit the release of personal identifiers in lists of 10 or more persons.

## **EXCEPTIONS**

Act 88 does not completely prohibit the use of personal data for marketing or other purposes. Personal data obtained in batches of fewer than 10 names may be used, even if the list includes individuals who opted out, and agencies may continue to sell lists of 10 or more names of those who have chosen not to opt-out.

The DOT may also distribute personal information on lists of 10 or more names to specified eligible parties, such as government agencies, law enforcement officials, and insurers, for policy underwriting and other legitimate purposes. Parties receiving personal information under these conditions must keep it confidential. Unauthorized disclosure of, or fraudulent requests for, this information may result in a civil forfeiture of \$500 for each violation.

## **FEDERAL LAW REQUIRES CONSENT TO SELL DOT INFORMATION**

The federal Driver's Privacy Protection Act of 1994, as amended in 1999, prohibits state departments of transportation from disseminating certain personal information to marketers without the person's express consent. This information includes a person's driver's license photograph, social security number, and medical or disability information. The "opt-in" choice need not appear on the application form. A state which fails to comply with the federal law, which was upheld by the U.S. Supreme Court in January 2000, risks losing a portion of its federal transportation funding. For Wisconsin, the deadline for compliance was April 13, 2000. Beginning on that date, the Wisconsin DOT stopped selling lists of any size with personal identifiers for marketing purposes. However, government agencies and eligible businesses, such as insurers, may still obtain records in accordance with Act 88.

## **FOR MORE INFORMATION**

Copies of 1999 Wisconsin Act 88 may be downloaded at [www.legis.state.wi.us](http://www.legis.state.wi.us) or obtained by calling the Legislative Reference Bureau at (608) 266-0342.