

MV: 01-1-103. Confidentiality of motor vehicle information

Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy shall be withheld from disclosure except in accordance with the rules enacted by the Cherokee Nation Tax Commission (hereinafter "CNTC") or as otherwise allowed by Cherokee Nation law. Information of a personal nature shall include, but is not limited to, information as to gross receipts contained in applications for business licenses and any other sources of information or records, except information specifically designated by law as a public record, which would include the name, address, and telephone number of any person. This provision must not be interpreted to restrict access by the public and press to information contained in public records.

All information contained in certificates of title, applications therefore, vehicle registration records and computer data files is hereby declared to be confidential information and shall not be copied by anyone or disclosed to anyone other than an employee of the CNTC in the performance of his or her duty, except as provided herein or pursuant to an order from the courts of the Cherokee Nation.

- A. Procedure for release of vehicle and lien information.** Vehicle and lien information may be released only to qualified requestors upon completion of CNTC Form 38-01 and remittance of the processing fee of One Dollar (\$1.00) per vehicle. Upon approval, the requested data may be provided at the appropriate processing fee established by the Commission.
- B. Who may obtain vehicle and lien information.** Vehicle and lien information may be released for permissible uses, which is defined as:
1. For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, Tribal, or State agency in carrying out its functions.
 2. For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.
 3. For use in the normal course of business by a legitimate business or its agents, or contractors, but only:
 - A. to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and

B. if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

4. For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, Tribal, or State court or agency or before any self-regulatory body, including the 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, Tribal, or State court.
5. For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.
6. For use by any insurer or insurance support organization, or by a self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.
7. For use in providing notice to the owners of towed or impounded vehicles.
8. For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.
9. For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under 49 U.S.C. § 313.
10. For use in connection with the operation of private toll transportation facilities.
11. For any other use in response to requests for individual motor vehicle records if the CNTC has obtained the express consent of the person to whom such personal information pertains.
12. For bulk distribution for surveys, marketing or solicitations if the CNTC has the express consent of the person to whom such personal information pertains.
13. For use by any requestor, if the requestor demonstrates it has obtained the written consent of the individual to whom the information pertains.

14. For any other use specifically authorized under the law of the Cherokee Nation, if such use is related to the operation of a motor vehicle or public safety.
- (1) The current owner;
 - (2) An individual, on behalf of the current owner, with written authorization;
 - (3) A licensed wrecker or towing service, for notification to owners;
 - (4) A legitimate business, for purposes of:
 - (a) Verifying the accuracy of personal information submitted to the business by the individual to whom the requested information pertains; or
 - (b) Obtaining correct information for purposes of preventing fraud by pursuing legal remedies against, or recovering on a debt or security interest against the individual to whom the requested information pertains;
 - (5) A requestor who is to use the information in conjunction with a civil, criminal, administrative, or arbitral proceeding in a Federal, Tribal, State, or local court or agency, or before any self-regulatory body. Use may include service of process, investigation in anticipation of litigation, and the execution or enforcement of a judgment or order;
 - (6) A requestor, pursuant to an order of any court;
 - (7) An insurer or insurance support organization;
 - (8) A licensed private investigative agency or licensed security service, for purposes permitted by 25-01 §75-1-6.
 - (9) A governmental or law enforcement agency, or a court, for use in an official function;
 - (10) Any person compiling and publishing motor vehicle statistics, provided that names and addresses of individuals shall not be disclosed;
 - (11) Any motor vehicle manufacturer or an authorized representative thereof, in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles, motor vehicle parts and dealers, motor vehicle market research activities, including survey research, and removal of non-owner records from the original owner records of motor vehicle manufacturers; or
 - (12) For use in connection with the operation of private toll transportation facilities.

C. **Insurance information release.** Insurance information, including insurer and policy number, may be released to a law enforcement officer investigating an accident, or to a licensed Oklahoma wrecker service, when that information is needed to establish responsibility for wrecker fees.

D. Penalties for the release of prohibited information. The release of any information not specifically authorized by statute, as described in subsections (b) and (c) of this Section, is strictly prohibited, and may be subjected to penalties enumerated in Legislative Act 25-01§ 75-1-13.

E. Types of information released and fees. The CNTC form 38-01, and sources of information provided under this Section may be available at the appropriate processing fee established by the Commission:

1. Current ownership or lienholder information may be provided for permissible uses as listed in subsection (b) of this Section by motor vehicle revenue agents or the Tax Commission upon approval and remittance of the processing fee of One Dollar (\$1.00).
2. Computer generated title history information may be provided by the Motor Vehicle Audit Department upon approval and remittance of the processing fee of Five Dollars (\$5.00).
3. Microfilm title history information may be provided by the Motor Vehicle Audit Department upon approval and remittance of the processing fee of Seven Dollars and fifty cents (\$7.50).
4. Copy of lien release may be provided by the Motor Vehicle Audit Department upon approval and remittance of the processing fee of Seven Dollars and fifty cents (\$7.50).
5. Certified copy of lien release may be provided by the Motor Vehicle Audit Department upon approval and remittance of the processing fee of Ten Dollars (\$10.00).
6. Certified title history may be provided by the Motor Vehicle Audit Department upon approval and remittance of the processing fee of Ten Dollars (\$10.00).

F. Certain information release to motor vehicle revenue agents. When required in the performance of their duties, motor vehicle revenue agents may request and receive from the Motor Vehicle Audit Department copies of submitted documentation relating to a transaction performed at their tag office.

[**Authority:** Legislative Act # 25-01§ 75-1-6 (A-2). Matters exempt from disclosure. “Freedom Of Information And Privacy Act Of 2001”; Amended July 27, 2011]