



South Carolina Department of Motor Vehicles

ELT DATA USERS ACKNOWLEDGMENT OF DUTY OF NON-DISCLOSURE AND DUE DILIGENCE

ELT-4
(Est. 8/18)

THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART.

This is an acknowledgment of the ELT user's obligations to protect personal or sensitive information from wrongful or unlawful disclosure and to protect the SCDMV computer network.

I, _____, acknowledge that, as a full time employee of _____, an approved ELT Participating Lender, operating under SC ELT Customer Number _____, I am in frequent contact with sensitive "personally identifying information." I am also aware that SCDMV strives to protect the citizens of South Carolina from fraud or invasion of privacy by safeguarding their personal identifying information.

While the definitions of the term "personal identifying information" may vary in various circumstances, as a summary for the purposes of this acknowledgement, I understand that the term "personal identifying information" means information that identifies or describes an individual including, but not limited to, an individual's:

- name, home address, and home telephone number,
- height, weight, race, and other physical details,
- photograph,
- signature,
- social security number, driver identification number, customer number, date of birth, or email address or addresses.

I further acknowledge:

- My job responsibilities for the lender identified above require me to have access to computer systems which contain personal identifying information. I will not view, print, download, transfer or release any stored data, including personal identifying information, unless a specific job related duty requires me to do so.
- I will, to the best of my ability, safeguard all aspects of every customer's personal identifying information. This includes but is not limited to all computer and hard copy data.
- I will, to the best of my ability, safeguard and protect any and all types of personal identifying information of SCDMV customers.
- I will, to the best of my ability, safeguard and protect the SCDMV computer network. This includes but is not limited to ensuring that I take all due diligence precautions regarding network security.
- I understand that after my employment ends with the lender identified above I will not disclose any PII that I had access to during my employment.

I certify that I have attended and completed all training workshops provided by the ELT Service Provider who has contracted with this lender and the SCDMV.

I understand that, if I make any improper disclosure of such personal information from any other person's vehicle file, a report of such disclosure will be made and submitted to the Inspector General's Office for review and possible prosecution. Improper use of SCDMV data may result in violation of contract.

In addition, I have been advised that if I knowingly or willfully breach my duty of non-disclosure, I may face criminal charges, including but not limited to penalties under title 18 of the United States Code, in addition to civil liability for damages, punitive damages and attorneys' fees. I likewise acknowledge that if I breach my duty of due diligence I may likewise incur civil liability as allowed by law.

Printed name: _____
(User Name)

Signature: _____ Date: _____

This form must be submitted to the ELT Service Provider to be maintained for their records.



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The Following Codes of Law pertain to Form ELT-4, ELT Data Users Acknowledgement of Duty of Non-Disclosure and Due Diligence:

SECTION 30-4-160 of the 1976 South Carolina Code of Laws

Sale of Social Security number or driver's license photograph or signature.

- (A) This chapter does not allow the Department of Motor Vehicles to sell, provide, or otherwise furnish to a private party Social Security numbers in its records, copies of photographs, or signatures, whether digitized or not, taken for the purpose of a driver's license or personal identification card.
- (B) Photographs, signatures, and digitized images from a driver's license or personal identification card are not public records.

SECTION 30-4-165 of the 1976 South Carolina Code of Laws

Privacy of driver's license information.

- (A) The Department of Motor Vehicles may not sell, provide, or furnish to a private party a person's height, weight, race, social security number, photograph, or signature in any form that has been compiled for the purpose of issuing the person a driver's license or special identification card. The department shall not release to a private party any part of the record of a person under fifteen years of age who has applied for or has been issued a special identification card.
- (B) A person's height, weight, race, photograph, signature, and digitized image contained in his driver's license or special identification card record are not public records.
- (C) Notwithstanding another provision of law, a private person or private entity shall not use an electronically-stored version of a person's photograph, social security number, height, weight, race, or signature for any purpose, when the electronically-stored information was obtained from a driver's license record.

SECTION 30-2-20 of the 1976 South Carolina Code of Laws

Privacy policies and procedures required of all state entities.

All state agencies, boards, commissions, institutions, departments, and other state entities, by whatever name known, must develop privacy policies and procedures to ensure that the collection of personal information pertaining to citizens of the State is limited to such personal information required by any such agency, board, commission, institution, department, or other state entity and necessary to fulfill a legitimate public purpose.

US CODE Title 18 Chapter 123 § 2721.

Prohibition on release and use of certain personal information from State motor vehicle records

- (A) In General.— A State department of motor vehicles, and any officer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity:
 - 1) personal information, as defined in [18 U.S.C. 2725 \(3\)](#), about any individual obtained by the department in connection with a motor vehicle record, except as provided in subsection (b) of this section; or
 - 2) highly restricted personal information, as defined in [18 U.S.C. 2725 \(4\)](#), about any individual obtained by the department in connection with a motor vehicle record, without the express consent of the person to whom such information applies, except uses permitted in subsections (b)(1), (b)(4), (b)(6), and (b)(9): Provided, That subsection (a)(2) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States.
- (B) Permissible Uses.— Personal information referred to in subsection (a) shall be disclosed 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 and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act ([15 U.S.C. 1231 et seq.](#)), the Clean Air Act ([42 U.S.C. 7401 et seq.](#)), and chapters 301, 305, and 321–331 of title [49](#), and, subject to subsection (a)(2), may be disclosed as follows:



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- 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, State, or local 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, employees, 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, State, or local 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, State, or local 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 chapter 313 of title 49.
 - 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 State 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 State has obtained the express consent of the person to whom such personal information pertains.
 - 13) For use by any requester, if the requester 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 State that holds the record, if such use is related to the operation of a motor vehicle or public safety.
- (C) Resale or Redisclosure.— An authorized recipient of personal information (except a recipient under subsection (b)(11) or (12)) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under subsection (b)(11) or (12)). An authorized recipient under subsection (b)(11) may resell or redisclose personal information for any purpose. An authorized recipient under subsection (b)(12) may resell or redisclose personal information pursuant to subsection (b)(12). Any authorized recipient (except a recipient under subsection (b)(11)) that resells or rediscloses personal information covered by this chapter must keep for a period of 5 years records identifying each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.
- (D) Waiver Procedures.— A State motor vehicle department may establish and carry out procedures under which the department or its agents, upon receiving a request for personal information that does not fall within one of the exceptions in subsection (b), may mail a copy of the request to the individual about whom the information was requested, informing such individual of the request, together with a statement to the effect that the information will not be released unless the individual waives such individual's right to privacy under this section.
- (E) Prohibition on Conditions.— No State may condition or burden in any way the issuance of an individual's motor vehicle record as defined in 18 U.S.C. 2725 (1) to obtain express consent. Nothing in this paragraph



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shall be construed to prohibit a State from charging an administrative fee for issuance of a motor vehicle record.