



U.S. Department of Justice

Office of the Associate Attorney General

Washington, D.C. 20530

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VIA Email and U.S. Mail

Shane Hamlin
Executive Director
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“Concerned that personal information collected by States in the licensing of motor vehicle drivers was being released—even sold—with resulting loss of privacy for many persons, Congress provided federal statutory protection. It enacted the Driver’s Privacy Protection Act of 1994[.]” *Maracich v. Spears*, 570 U.S. 48, 51–52 (2013). The Driver’s Privacy Protection Act (“DPPA”) makes it “unlawful for any person knowingly to obtain or disclose personal information, from a motor vehicle record, for any use not permitted under” the Act. 18 U.S.C. § 2722(a). And “[t]he DPPA’s provisions do not apply solely to States. The Act also regulates the resale and redisclosure of drivers’ personal information by private persons who have obtained that information from a state DMV.” *Reno v. Condon*, 528 U.S. 141, 146 (2000). Any person, organization or entity who knowingly violates the DPPA may be subject to a criminal fine. §§ 2723(a), 2725(2).

ERIC’s membership agreement requires member-states to send ERIC data including “voter files” and “all licensing or identification records from motor vehicles departments.” This data includes sensitive personal information such as the person’s name, address, driver’s license number, last four digits of Social Security number, date of birth, phone number, and e-mail address. As ERIC has acknowledged, this data is protected from disclosure under the DPPA. *See* 18 U.S.C. § 2721(a). ERIC’s membership agreement also contemplates situations where ERIC may share DPPA-protected personal information with third parties.

ERIC has maintained that its use of DPPA-protected personal information falls under a statutory permissible use. But courts have construed exceptions to the DPPA’s protections narrowly,¹ and the membership agreement’s vague references to “research projects” and

¹ *See e.g., Maracich*, 570 U.S. at 60; *Senne v. Vill. of Palatine, Ill.*, 695 F.3d 597, 606 (7th Cir. 2012).

“responding to requests for information from third-parties” do not appear to be tethered to the DPPA’s limited permissible uses. Even apart from the issue of disclosure to third parties, the scope of ERIC’s own use of DPPA-protected personal information remains unclear.² Although using such information in furtherance of government functions may be a permitted use, using protected information for certain partisan purposes is not a government function and is thus not permitted under the DPPA—regardless of whether a state consents.

To ensure compliance with the DPPA, and in accordance with the Attorney General’s statutory authority to enforce the Act, please send the Department of Justice the following materials:

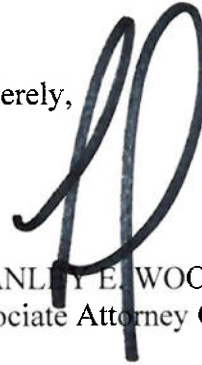
1. A list, in a sortable and searchable format, of all persons and organizations with whom ERIC has shared information obtained by a state department of motor vehicles. The list should include:
 - a. the specific purpose for which the information was shared and all resulting uses of the information;
 - b. the State whose information was shared; and
 - c. the date the information was shared.
2. All records regarding ERIC’s sharing or disclosure of information obtained by a state department of motor vehicles.
3. A detailed, narrative explanation describing the activities that constitute ERIC’s “services to its Members[,]” as set forth in the membership agreement.
 - a. Please provide separate answers for each discrete type of “service.”
4. A list, in a sortable and searchable format, and description of all “research projects” that ERIC has undertaken under the membership agreements.
 - a. This list should include any third parties who were involved in the research projects.
5. All correspondence (e.g., letters, emails) with third parties concerning information obtained by a state department of motor vehicles.

² For example, the membership agreement provides that ERIC “does not and shall not use or transmit any ERIC Reports, Member Data, Third-Party Data or ERIC Information for any purpose other than providing *services* to its Members.” It further provides that “*ERIC’s services* to its members *include, but are not limited to*, undertaking research projects with the assistance of third-parties” and “may also include responding to requests for information from third-parties.”

The time period for the above requests is October 1, 2019, through the present. Please provide your response by **October 7, 2026**, via email to Stanley.Woodward@usdoj.gov.

If you have any questions about this letter, please contact this office at (202) 514-9500, or reach out to me directly. We hope you will agree to voluntarily comply with these requests, rather than forcing the United States to take further action.

Sincerely,

A handwritten signature in dark ink, consisting of a large, stylized 'S' followed by a vertical line and a small loop at the bottom.

STANLEY E. WOODWARD, JR.
Associate Attorney General

Stanley.Woodward@usdoj.gov