

GREEN LIGHT NY: Driving Together

Will my personal information be protected by the DMV?



The Driver's License Access and Privacy Act (A.3675B/S.1747B) contains several provisions aimed at protecting the privacy of license applicants' personal information and ensuring that DMV data is not used for immigration enforcement.

- The legislation limits the collection of sensitive information by prohibiting the DMV from scanning and storing source documents used to apply for standard licenses, and from asking about the citizenship or immigration status of those applicants.
- Certain sensitive applicant information – including a person's Social Security number, place of birth, country of origin, and customer identification number – could not be disclosed by the DMV unless in response to a court order, judicial warrant, or validly issued subpoena, or if required by federal law (an administrative "warrant" issued by ICE would not suffice). The same restrictions apply to the documents used by an applicant to show age or identity.
- The DMV would not be allowed to disclose records showing which type of license a person holds, to limit assumptions being made about a person's immigration status. The bill would also make it unlawful to use the type of license a person holds as evidence of their immigration status or as a basis for arrest.
- The bill restricts access to DMV data by ICE and CBP and requires that anyone receiving DMV records or information certify that they will not use that data for immigration enforcement purposes.

While legislation cannot eliminate all the possible ways immigration authorities might devise to obtain DMV information or guarantee that improper disclosures won't occur, the bill provides a strong baseline of privacy protections that allow

immigrants without documentation of status to make an informed choice about the benefits of obtaining a license.