

DEPARTMENT OF REVENUE

Division of Motor Vehicles

1 CCR 204-30, Rule 14. VENDOR CONTRACTS FOR THE BULK ELECTRONIC TRANSFER OF DEPARTMENT RECORDS

Authority

This rule is promulgated in accordance with the State Administrative Procedures Act, section 24-4-101 et seq., C.R.S. and adopted pursuant to the authority in sections ~~24-72-204, 24-72-102, 24-74-103, 24-74-105, 24-74-106,~~ 42-1-204 ~~C.R.S.~~, and 42-1-206(3.7) ~~C.R.S.~~

Scope and Purpose

A. This rule governs annual contracts between the department and vendors and ~~the department and~~ primary users for the purpose of establishing, regulating, and maintaining the bulk electronic transfer of ~~Records and Information.~~

B. This rule does not apply to any federal, state, or local governmental agency that receives ~~Data Records and/or Information~~ directly from the department.

1.0 Definitions

~~“Colorado Drives (“DRIVES”)” means the information technology system defined in section 42-1-102(16.5), C.R.S.~~

~~“Data” means a subset of Information.~~

~~“Personal Identifying Information” (“PII”) is defined in section 24-74-102(1), C.R.S.~~

~~“Primary User” means a person or entity having access to DRIVES through the Third-Party Access Portal.~~

~~“Records and/or Information” means the total of all files, updated files, or portions thereof, that the department is permitted by law to release through a bulk electronic transfer.~~ means all files, updated files, or portions thereof, including PII, that the department is permitted by law to release through a bulk electronic transfer to the approved Vendor.

~~“State Agency” is a state agency as defined in section 24-74-102(3), C.R.S.~~

~~“Sub-Vendor” means any person or entity who enters into an agreement with a vendor to receive Data. A primary user of Data may also be a Sub-Vendor.~~ means any person or entity who enters into an agreement with the approved DMV Vendor to receive Records and/or Information through a sub-contract.

~~“Third-Party” is defined in section 24-74-102(5), C.R.S.~~

~~“Vendor” is defined in section 42-1-102(112.5), C.R.S.~~

2.0 Contract Requirements

A. The department will not transfer Information to a vendor or primary user unless the Vendor or Primary User has executed a contract with the department in accordance with section 42-1- 206(3.7), C.R.S. and signed a Third-Party Entity/Organization Certification for Access PII through a database or automated network form.

B. A contract between the department and a Vendor shall provide that ~~include provisions that ensure that the Vendor agrees not to transfer Records or Information~~ ~~no Data will be transferred~~ to a Sub-Vendor unless the Sub-Vendor has ~~provided the vendor, and the vendor has approved, a form, DR 2489,~~ completed and the Vendor has approved a Requestor Release and Affidavit of Intended Use (DR 2489) and a Bulk Records and/or Crash Data Search/Transfer Application (DR 2523), in which the Sub-Vendor ~~and~~ has agreed that it will not use ~~the Data~~ PII in a manner prohibited by law.

C. ~~C.R.S. 24-74-105 "Protect Personal Identifying Information Kept By State"~~ prohibits a state agency from disclosing or making accessible personal identifying information to any individual, agency, or official for the purpose of enforcing, cooperating, or assisting in federal immigration enforcement, except as required by federal or state law or as required to comply with a court-issued subpoena, warrant, or order that is not related to prosecution for a violation of specified provisions of federal law. ~~Vendors and Sub Vendors will now be required to review a "USE and DISCLOSURE" statement on the DR-2675 Form, End User License Agreement (EULA) to complete under the Agency section. The vendor and subvendor(s) will be required to review and complete the agreement annually on an agency and individual end-user level, ensuring continued compliance.~~ The department may grant a Primary User access to Records or Information only if the Primary User has signed a Third Party Individual Certification For Access To PII through a database or automated network form and an End User License Agreement (DR-2675) within the past year, certifying that it will not use PII for the purpose of investigating for, participating in, cooperating with, or assisting Federal Immigration Enforcement, and that it will not disclose personal identifying information obtained from the department to individuals or entities engaged in investigating for, participating in, cooperating with, or assisting in Federal immigration in a manner prohibited by law.

REQUIRED: Per §24-74-105 C.R.S., I agree that the third party will not USE or DISCLOSE personal identifying information obtained from the database or automated network for the purpose of investigating for, participating in, cooperating with, or assisting in Federal Immigration Enforcement, including enforcement of civil immigration laws and 8 U.S.C. SEC. 1325 or 1326, unless required by Federal or State Law or to comply with the attached court-issued subpoena, warrant, or order. Yes No