



## Legislation Text

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**File #:** 39200, **Version:** 1

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### **Fiscal Note**

The fee for providing this data will be \$50. The revenue received will be deposited in a Municipal Court revenue account.

### **Title**

Authorizing the Municipal Court Judge to sign agreements for release of Municipal Court Data.

### **Body**

WHEREAS, in RES-15-00601 adopted July 21, 2015, the Common Council authorized the Mayor and Clerk to sign a contract with DHI, an organization that supports claims investigation and anti-fraud activities, for the provision of certain municipal court data on an ongoing basis, to include dates of birth and drivers license information that originated with the State DMV that is germane to their line of work; and,

Whereas, the Municipal Court anticipates receiving similar requests for its data from other companies for use solely in connection with claims investigation activities, antifraud activities, rating and underwriting, and,

WHEREAS, in order to provide the data, collect fees for the costs of assembling the data and provide language to protect the City from misuse of the data or other legal concerns, and to allow ongoing disclosure over a period of time, a contract must be signed for each company requesting the data; and,

WHEREAS, under APM 1-1 and state law, city officials must be authorized to sign contracts via resolution or ordinance; and,

WHEREAS, the federal Drivers Privacy Protection Act, 18 U.S.C. § 2721 (the "DPPA"), limits the circumstances under which certain personally identifiable information initially collected by a state department of motor vehicles may be released; and,

WHEREAS, the DPPA expressly permits the release of information "[f]or 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," 18 U.S.C. § 2721(b)(6); and,

WHEREAS, disclosure of such records, on request, is consistent with Wisconsin law however the public records law provide no option for continuing or ongoing records requests, making a contract the appropriate vehicles to process such requests; and,

WHEREAS, such requestors will be required to pay a fee to cover the City's costs of providing the data, and must agree to indemnify and hold harmless the City under terms approved by both the City Attorney and the Risk Manager,

NOW, THEREFORE, BE IT RESOLVED, that the Common Council authorizes the Municipal Court Judge to sign contracts with qualifying organizations (in the opinion of the City Attorney) for the provision of Municipal Court data as described above, in exchange for the payment of an appropriate fee, and in a form approved by the City Attorney and City Risk Manager.