



Legislation Text

File #: 39231, **Version:** 1

Fiscal Note

No appropriation required. DHI will pay \$50 per month for this information.

Title

Authorizing the Mayor and City Clerk to enter into an Agreement whereby the Madison Municipal Court shall provide court data to Drivers History Information Sales, LLC (DHI) for use in insurance support organization providing insurance companies and their agents with tools and services to support claims investigation activities, antifraud activities, rating and underwriting.

Body

WHEREAS, DHI's services help insurance carriers more accurately attribute risk, ultimately benefiting consumers in the form of more fairly priced insurance policies; and,

WHEREAS, DHI supports its services by collaborating with a variety of state agencies, court systems, and municipalities to collect motor vehicle-related citation data; and,

WHEREAS, since March of 2013, the City has provided DHI monthly files containing data for all filed motor vehicle-related citations, including all disposition codes, in the City of Madison Municipal Court; and,

WHEREAS, since July 31, 2013, the City has redacted each defendant's birth year and full address from the records of motor vehicle-related citations provided to DHI; and,

WHEREAS, the redactions substantially impair DHI's ability to use the records by eliminating key identifiers necessary to correlate motor vehicle-related citations with insurance applicants and other driver records; 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 City withheld each defendant's dates of birth and full addresses based upon concerns for complying with the DPPA and for preventing the theft or inappropriate disclosures of personally identifiable information; 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, DHI is an insurance support organization that supports claims investigation activities, antifraud activities, rating and underwriting; and,

WHEREAS, DHI seeks to use the data received from the City solely in connection with its support of claims investigation activities, antifraud activities, rating and underwriting; and,

WHEREAS, DHI's intended use for the information is permitted by the DPPA; and,

WHEREAS, disclosure of the records requested is consistent with Wisconsin law; and,

WHEREAS, the information sought by DHI is no more comprehensive than the level of case detail available through the Wisconsin Circuit Court System's public access web site, <http://wcca.wicourts.gov>; and,

WHEREAS, DHI already receives a complete and comprehensive driver's license file, including drivers' personal information, on a monthly basis from the Wisconsin Department of Transportation's Division of Motor Vehicles; and,

WHEREAS, as a recognized consumer reporting agency, DHI's insurance rating and underwriting-related services are governed by the Federal Fair Credit Reporting Act, which binds DHI to the highest standards of data accuracy and controls; and

WHEREAS, DHI currently makes requests for the database on a monthly basis; and,

WHEREAS, the Wisconsin Public Records Laws provide no option of continuing or ongoing public records requests; and,

WHEREAS, by this agreement DHI agrees to pay a fee that covers the costs of providing the database and further, agrees to hold the City harmless and indemnify the City against loss,

NOW THEREFORE BE IT RESOLVED that the Common Council hereby authorizes the Mayor to sign a contract with the Driver's History Information Sales, LLC (DHI) for the provision of Madison Municipal Court data to DHI.