

Auditing Your State's Driver License Data

The license plate is a key. The DMV is the lock. This is how you find out who has been handed a copy.

Companion to: A Citizen's Field Guide to Auditing Automated License Plate Readers.

That guide covered the camera. This one covers what the camera's output resolves to. The method is identical — a written public records request, no lawyer, no fee, no stated reason required in most states.

As before: **request the records by their exact names.** These are specific, titled documents your DMV already holds. Naming them correctly is what separates a produced record from a brush-off.

Why this matters. A license plate photograph is not, by itself, information about you. It becomes information about you at the moment it is matched to a state record. That match is the whole product. Everything upstream — the camera, the pole, the subscription — is just a way of generating numbers to look up.

So the question worth asking is not only *who is watching the road*. It is *who can open the file that the road points to*, and what else is in that file.

Three things most people don't know about their own DMV record

1. Your basic identity data may sit in a national index operated by a private nonprofit that is not subject to any public records law.
2. Federal law prohibits public disclosure of driver data but contains a list of enumerated exceptions — and most disclosure happens through them.
3. Federal agencies have run facial recognition searches against state driver license photo databases, and this was discovered by public records requests, not disclosure.

STEP 1 Understand the three doors

Driver license data leaves a state DMV through three distinct channels. Each has its own paperwork, and each is requestable. Know which one you are asking about.

Channel	What it is	What to ask for
State to State (S2S / SPEXS)	REAL ID requires states to connect their databases. In practice most states do this through the State-to-State Verification Service, operated by AAMVA — a private nonprofit of DMV officials — and built by an outside contractor. It runs on a central index called SPEXS holding a pointer record for each license or ID issued by a participating state. Reported pointer fields include name, date of birth, license number, and the last five digits of the Social Security number. The fields are set by AAMVA and can be expanded.	The S2S Verification Service User Agreement between your state and AAMVA, its compliance attachment, and the SPEXS Privacy Impact Assessment .
Statutory exceptions (DPPA)	The federal Driver's Privacy Protection Act bars public disclosure of personal information from motor vehicle records, then lists permissible uses that allow release to government agencies, insurers, employers, researchers, private investigators, and bulk requesters. The prohibition is real. So is the list.	The list of approved requesters and any disclosure or audit log showing who received driver data and under which permissible use.
Vendor contracts	The 2020 REAL ID modernization amendments direct states toward private technology partners for modernization, including mobile driver license systems. Those partners touch the data, and what they may do with it is set by the contract, not by statute.	The mobile driver license vendor contract , any identity-verification vendor contract, and the associated data-handling terms.

The accountability gap — and the way through it

AAMVA is a private corporation. It is not subject to federal or state public records law, so you cannot FOIA the operator of the index.

But your state's **side** of that arrangement is a state government record. The user agreement your DMV signed, the compliance terms it accepted, and the privacy assessment it was given are all held by a public agency and are requestable from it. That is the door.

STEP 2 File the request

Send to your state DMV's public records officer — usually listed under “public records” or “FOIA” on the agency website. Some states route DMV requests through the Department of Transportation, Department of

Revenue, or Secretary of State; check which agency issues licenses in your state before sending.

Request these by name:

- The **State-to-State (S2S) Verification Service User Agreement** between this agency and AAMVA, including all attachments, exhibits, and amendments
- The **compliance document** attached to that agreement
- Any **Privacy Impact Assessment** for SPEXS or S2S provided to this agency
- All **memoranda of understanding, data-sharing agreements, and contracts** between this agency and any federal agency, any other state, or any private entity concerning driver license or identification records
- The current **list of entities approved to receive driver record information**, and any log of disclosures identifying the recipient and the permissible use claimed
- All contracts with **mobile driver license** or digital identity vendors, including data-handling and data-ownership terms
- All **policies governing facial recognition or facial image comparison** run against this agency's photo database, and any log of external requests for such searches
- All records reflecting **requests from federal agencies** to search, match, or obtain driver records or photographs
- Any **audit** of driver record access conducted in the last three years

Ask for machine-readable format where applicable. Requester lists and disclosure logs are database exports. A scanned PDF of a spreadsheet is a refusal wearing a costume.

STEP 3 **Read what comes back**

Work these questions in order:

- **Which fields does your state upload to the national index?** Compare against what AAMVA publicly describes. If the agreement permits expansion without notice, that is the finding.
- **Who is on the approved requester list?** Count the private companies. Data brokers, insurers, and skip-trace firms are the ones people don't expect.
- **Is there a disclosure log at all?** "We do not maintain one" is an answer, and it means no one can audit access even in principle.
- **Does the mDL contract say who owns the data?** Who may use it for their own purposes, and what happens to it if the contract ends.
- **Is there a written facial recognition policy?** Many agencies have none. Get that in writing.
- **Federal requests** — who asked, how often, and was a warrant required.
- **Does anything require a warrant?** Compare what the contracts require against what your state statute requires. Gaps between the two are where you make your argument.

What a disclosure record does not mean

A disclosure to a government agency or an approved requester is, in most cases, lawful. That is the point. You are not documenting crimes — you are documenting the size and shape of lawful access that no one ever voted on. Say it that way and you cannot be dismissed.

STEP 4 Expect obstruction, and answer it

“That’s AAMVA’s document, not ours.” The agreement your agency signed is your agency’s record. A copy held by a public body is a public record in most states regardless of who drafted it. State this in the request.

“The DPPA prohibits us from releasing that.” The DPPA restricts release of *personal information about individual drivers*. It does not shield contracts, agreements, policies, vendor terms, or aggregate statistics. Make clear you are not requesting anyone’s personal record — you are requesting the governing documents and the access logs, with individual identifiers redacted.

“Security exemption.” Ask for the specific statutory citation for each withholding and request the remainder of the document. Blanket security claims over a service agreement rarely survive a written demand for the exemption.

Fees. Request a public-interest waiver, state the records will be made public, and confirm the request is not commercial. If the estimate is high, narrow to the agreements first and the logs second.

If denied. Every state has an appeal route — often a petition to the attorney general or district attorney. Cite your state’s statute in the original request; deadlines get honored more often when they are quoted back.

STEP 5 Where to take it

The ALPR audit goes to a county commission. This one goes higher, because the DMV is a state agency.

- **Your state legislators** — specifically whoever chairs the transportation or judiciary committee. A signed agreement no legislator has read is a hearing waiting to happen.
- **The state auditor.** Access logs and vendor contracts are ordinary audit subjects, and an auditor’s request carries weight yours does not.
- **Your county sheriff and commission anyway.** They are the ones querying these systems locally, and the ALPR conversation you already started is the natural place to raise it.
- **Coordinate across states.** The S2S agreement is a standard form. Requests filed in several states the same week reveal whether terms differ — and whether any state negotiated protections the others did not.
- **Publish what you receive.** A signed agreement sitting in your inbox protects no one.

Ground Rules

Ask for documents, not people.

Never request another individual's driver record. It is unlawful under the DPPA, it is the single fastest way to discredit this work, and it is not what you need. Request the agreements, the policies, the vendor terms, and the logs with personal identifiers redacted.

Lawful is the point, not the loophole.

Most of what you find will be permitted by statute. Resist the urge to call it illegal. The stronger claim is that a system this large was assembled through agreements no voter saw and no legislature debated.

Verify before you publish.

Read the agreement, understand what each term means, and describe it precisely. One overstated claim will be used to discredit everything else you produce.

File as a group.

Multiple residents filing the same request is harder to slow-walk than one person filing alone, and it spreads any fees.

Background Worth Reading

- **AAMVA's own S2S pages** — the operator's public description of the service, the user agreement, and the compliance framework. Start with the source.
- **The Identity Project (papersplease.org)** — long-running documentation of SPEXS and the REAL ID database architecture.
- **Georgetown Law Center on Privacy and Technology** — obtained the records showing federal facial recognition searches of state DMV photo databases.
- **National Immigration Law Center** — multiple FOIA-based reports on how DMV information moves to federal agencies.
- **EFF Atlas of Surveillance** — agency-level surveillance technology database.
- **Your state press association or open-government coalition** — most publish a plain-English guide to the state records statute and will answer questions from residents.

Copy-and-Paste Request

Replace the bracketed fields. Send by email to the records custodian for the agency that issues driver licenses in your state, and keep a copy of the sent message with its timestamp.

To: [Records Custodian], [State Agency That Issues Driver Licenses]
Re: Public Records Request – Driver License Data Sharing

Pursuant to [STATE PUBLIC RECORDS STATUTE, e.g. ORS 192.311-192.478], I request copies of the following records. I am NOT requesting personal information about any individual driver. I am requesting governing documents, contracts, policies, and access records, and I ask that personal identifiers be redacted where they appear.

1. The State-to-State (S2S) Verification Service User Agreement between this agency and the American Association of Motor Vehicle Administrators, including all attachments, exhibits, and amendments.
2. The compliance document attached to that agreement.
3. Any Privacy Impact Assessment for SPEXS or S2S provided to this agency.
4. All memoranda of understanding, data-sharing agreements, intergovernmental agreements, and contracts between this agency and any federal agency, any other state, or any private entity concerning driver license or identification records.
5. The current list of entities approved to receive driver record information, and any log of disclosures identifying the recipient and the permissible use claimed under the Driver's Privacy Protection Act.
6. All contracts with mobile driver license or digital identity vendors, including data-handling, data-use, and data-ownership terms.
7. All policies, procedures, or guidelines governing facial recognition or facial image comparison performed against this agency's photograph database, and any log of requests from outside entities for such searches.
8. All records reflecting requests from any federal agency to search, match, or obtain driver records or photographs, covering [START DATE] to the present.
9. Any audit of driver record access conducted in the last three years.

Please provide records in their original electronic format, and in machine-readable form (CSV or spreadsheet) where the record is a list or log. Records maintained by a contractor on this agency's behalf are responsive.

These records will be made available to the general public and this request is not made for commercial purposes. I therefore request a waiver or reduction of fees. If fees will exceed [\$ AMOUNT], please contact me before proceeding.

If any portion is withheld, please cite the specific statutory exemption for each withholding and produce the remainder.

Please acknowledge receipt and respond within the time required by [STATE STATUTE].

[Your Name]

[Contact Information]

[Date]

One line to add if you get stonewalled

"I am not seeking any individual's motor vehicle record, so the Driver's Privacy Protection Act does not apply to this request. I am seeking contracts, agreements, policies, and access logs held by a public agency, with personal identifiers redacted."

Verification note. Program names, participating states, statutory citations, and vendor arrangements change. Confirm the current names and your state's statute before filing. This guide is a starting point, not legal advice; nothing in it creates an attorney-client relationship.

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