



COUNTY OF ERIE

CHRISTOPHER L. JACOBS

COUNTY CLERK

April 5, 2016

Charles D Tirone
Chief Investigator
State of New York,
Office of Inspector General
65 Court Street
Buffalo, New York 14202

Dear Investigator Tirone:

Last year it was revealed that the New York State Department of Motor Vehicles (DMV) sells to third parties the information of individuals who register vehicles in New York State. New York Vehicle and Traffic Law §202 permits the DMV Commissioner to sell this data under certain circumstances and for specific purposes (see 18 USCA § 2721, et. seq).

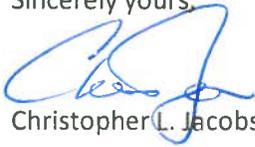
However, §202.4(b) of Vehicle and Traffic Law requires the Commissioner to notify registrants that their information is or may be sold. Further, registrants must be informed of the right to contact the contractor for deletion of such information from the contractor's file for purposes, except those set forth in §202.4(b)(i).

In reviewing the DMV registration and registration renewal forms, there exists no such "op-out" provision. Neither the form nor the instructions contain any information regarding the notice required by Vehicle and Traffic Law §202.4. We have sent correspondence to the DMV asking this very question but have received no response.

Because we have been unable to locate any notices required by Vehicle and Traffic law, I am concerned that vehicle registrants are neither aware that their personal information is being sold nor that the registrant has the right to elect that such information may not be used for solicitation.

It is my understanding your Agency has the authority to investigate and enforce the administrative rules and regulations of New York State. Please let this letter to serve as my request to the State Attorney General to investigate the failure of the State Department of Motor Vehicles to adhere to §202.4(b) of Vehicle and Traffic Law.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Chris Jacobs", written over the text "Christopher L. Jacobs".

Christopher L. Jacobs
Erie County Clerk

CC: Timothy B.Lennon, DMV

Attachments