



## LAWSUITS TARGET SELLING OF DMV INFO

**Palm Beach Post, The (FL)** - Friday, June 27, 2003

**Author:** MARY McLACHLIN, Palm Beach Post Staff Writer

Two local lawyers have launched a legal attack against the selling of personal information from Florida's 13 million driver licenses and 15 million vehicle registrations.

Attorneys David Sales and James Green filed two proposed class action lawsuits May 30 in federal court in West Palm Beach, with Rabbi Joel Levine of Temple Judea as the lead plaintiff. The suits will have to undergo legal testing to qualify as class actions before they can proceed.

They are suing two data companies, the Boca Raton-based ChoicePoint Public Records Inc. and the Massachusetts-based parent company of Lexis/Nexis. But the real target of the suits is the Florida Department of Highway Safety and Motor Vehicles.

In the suits, the attorneys say the state motor vehicle department is violating federal law by selling the names, addresses, birth dates, race and license numbers of car owners and drivers without their consent, exposing them to potential danger as well as pestering by marketers and solicitors.

The federal law is the 1994 Driver Privacy Protection Act, passed partly in response to the murders of actress Rebecca Schaeffer by a man who got her address from California motor vehicle records, and an Arizona woman whose address also came from vehicle records.

A 1999 amendment to the act forbids disclosing such data unless the person authorizes it - "opts in" - with a check mark on the license or car registration form. But Florida law still allows the information to be disclosed unless someone "opts out," which millions of people don't realize they can do, either at a driver license office or online at [www.hsmv.state.fl.us](http://www.hsmv.state.fl.us) and following the "DPPA" links.

The state motor vehicle department is not a defendant in the suits and would not comment on them, said spokesman Robert Sanchez.

"We are a state agency, and we comply with Florida statutes until told otherwise by higher authority," he said.

Corporate middlemen pay the state about \$27 million a year for the information, then resell it to businesses and organizations, including newspapers, for employment background checks, direct-mail sales, charity solicitations, surveys and other forms of research.

The Florida ACLU asked U.S. Attorney John Ashcroft in March to enforce the federal law and sent a copy of the request to Gov. Jeb Bush, but Green said neither responded.

"Florida thumbs its nose," Green said this week. "They've known about this since 1999, and specifically discussed it in a legislative committee hearing. We're going to enforce it by making it too expensive for these data miners to use and profit from illegally obtained information."

Since the attorneys can't sue the state under the federal law, they are going after its two biggest data customers: Reed-Elsevier Inc., an international holding company, and Georgia-based ChoicePoint Inc. and its Boca Raton subsidiary, ChoicePoint Public Records Inc.

The NAACP sued ChoicePoint and the state in 2001, claiming the company supplied faulty data that led to thousands of people being wrongly purged from voter rolls before the chaotic presidential election of 2000. ChoicePoint said it warned state officials the data needed to be verified.

ChoicePoint issued a statement saying the company has complied with the law and is prepared to "vigorously defend ourselves."

First Amendment Foundation Director Barbara Peterson, who said she had not seen the lawsuits, said there is "no right to privacy in information you can't expect to keep secret."

"If they think that blocking access to a home address is going to protect anybody, they're wrong," she said.

mary\_mclachlin@pbpost.com

**Memo:** Ran all editions.

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**Edition:** SOUTH

**Section:** LOCAL

**Page:** 1B

**Index Terms:** VEHICLE STATE FL SUIT AGENCY

**Dateline:** WEST PALM BEACH

**Record Number:** 0306270292

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