



# South Carolina Department of Motor Vehicles

## EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM

HR-204B  
(Rev. 11/15)

Name: Frank Rodgers Employee ID #: \_\_\_\_\_  
 Division: Operations Office / Unit: Office of Information Technology  
 Position Classification: Chief Information Officer  
 Date Assigned to Current Position (MM-DD-YY): 8 - 15 - 16  
 Performance Review From (MM-DD-YY): 02 - 17 - 17 To: 02 - 16 - 18

**TYPE OF EVALUATION** (Please check one):  Universal/Annual  Short Year/Universal  Trial Period  
 Probationary  Substandard Performance  Special/Close-Out

### PLANNING STAGE ACKNOWLEDGEMENT

Signature/ Rating Officer: \_\_\_\_\_ Date: - -  
 Print Name: John F. Laganelli Phone #: ( 803 ) 896 - 9010  
 Signature/ Reviewed by: \_\_\_\_\_ Date: - -  
 Print Name: Kevin A. Shwedo Phone #: ( 803 ) 896 - 8924  
 Signature/ Employee: \_\_\_\_\_ Date: - -  
 Print Name: \_\_\_\_\_

*(Signature of employee indicates the Planning Stage and Position Description were reviewed with the employee.)*

**Check if applicable:**  Planning stage was not completed at the beginning of the rating period. This is to acknowledge that both the employee and rating officer agree that the duties and success criteria by which the rating will be done is acceptable.

### EVALUATION STAGE ACKNOWLEDGEMENT

Signature/ Rating Officer: *[Signature]* Date: 12 - 12 - 17  
 Print Name: John F. Laganelli Phone #: ( 803 ) 896 - 9010  
 Signature/ Reviewed by: *[Signature]* Date: - -  
 Print Name: Kevin A. Shwedo Phone #: ( 803 ) 896 - 8924

Reviewing Officer Comments: \_\_\_\_\_

Signature/ Employee: *[Signature]* Date: 12 - 12 - 2017  
 Print Name: Frank Rodgers

*(My signature indicates that I was given the opportunity to discuss the official performance review with my supervisor – not that I necessarily agree.)*

Employee Comments: \_\_\_\_\_

<b>APPRAISAL RESULTS (Total)</b>	<b>2.9</b>
Total is to be placed here before submitting to Human Resources but <b>AFTER</b> meeting with employee.	



# South Carolina Department of Motor Vehicles

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(Rev. 11/15)

### JOB DUTIES

*Each job duty should be identified as being essential or not by selecting Yes or No.  
An essential job function is defined as a job function, which has primary importance to the total position.*

1. Job Duty: Manages the IT staff responsible for administration and development of the agency's Local and Wide Area Networks.	Essential	Weight Factor	Performance Level
<p>Success Criteria: Oversees the management of the agency's local and wide area networks. Ensures that staff takes the necessary steps to properly plan, deploy, monitor and manage our networks. The IT Director must ensure that: Appropriate levels of network security are in place by using firewalls, intrusion detection resources, email and system access monitoring/analysis, etc. as necessary.</p> <p>Network backups are taken and stored properly; ensure these systems are periodically tested.</p> <p>Operating systems and desktop applications are current and supportable by industry vendors.</p> <p>Network hardware, servers, desktop computers, printers and other system resources are properly maintained and upgraded on a scheduled basis including daily Desk Top support on an as reported basis by Desk Top support staff.</p> <p>Manages the IT staff responsible for support and maintenance of the agency's voice systems, including office and mobile phones.</p> <p>An inventory of software licenses is maintained to ensure compliance with vendor contracts and supports DSIT's equipment inventory.</p> <p>The configuration management process for the application of patches and upgrades to key network servers and resources is followed and maintained DMV complies with hardware and software standards that have been adopted by the state of South Carolina.</p> <p>Network configurations and infrastructure (data circuits, addressing schemes, etc.) are properly documented.</p>	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	15	E
<p>2. Job Duty: Manages the IT staff responsible for support and maintenance of the agency's core applications and databases - coordinates and oversees the overall software development process.</p>	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	15	E
<p>Success Criteria: Ensures the software development and configuration management process (SDLC) for the mission critical DMV applications to include requirements definition, prototyping, specifications, multi-tiered environment testing and implementation is maintained and followed by applicable staff. Establishes and implements appropriate IT policies and procedures to govern software development including hardware and software configuration management plans, quality assurance plans and testing plans. Ensures that the development staff complies with these standards.</p> <p>Implements processes to ensure that the development staff reports progress of work and meets assigned deadlines. Takes necessary steps to ensure that development work reflects the agency's strategic plans and agency priorities.</p>	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	15	E
<p>3. Job Duty: Provides Desktop Support and technical assistance to DMV employees at headquarters and in field offices.</p>	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	15	E
<p>Success Criteria: Ensures that policies and practices are in place to answer calls from users who need technical assistance and respond to hardware/software problems at HQ and in field offices. This includes Saturday office support and overflow from other DMV Help Desks. Ensures that the appropriate priority is assigned to trouble calls and that the highest priority calls are resolved quickly to minimize customer inconvenience and wait times.</p>	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	15	E



## South Carolina Department of Motor Vehicles

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4. Job Duty: Develops and implements an appropriate Disaster Recovery plan for key IT systems and resources.	Essential	Weight Factor	Performance Level
Success Criteria: Works with senior managers, functional work areas and others to develop and implement a Disaster Recovery plan. Periodically tests the plan to ensure that systems can be recovered in the case of an emergency.	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	10	S
5. Job Duty: Conducts ongoing research and development for established and emerging technologies to ensure the agency maximizes benefits offered by new technology.	Essential	Weight Factor	Performance Level
Success Criteria: Uses AAMVA resources/contacts, vendors, trade publications, technology seminars, etc. to identify new technologies and practices that may benefit the agency.	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	10	E
6. Job Duty: Establishes and maintains business relationships with external DMV users/stakeholders to support delivery of DMV services and transfer receipt of required data	Essential	Weight Factor	Performance Level
Success Criteria: Communicates as required with DMV stakeholders and end users to ensure that data and other products/services are delivered. Notifies users of service interruptions and scheduled downtime. Meets with users as necessary to review/define requirements. Creates standards and policies for the exchange of data. External users include SC counties, insurance companies, SC Interactive (SC Portal), auto dealers, AAMVA, SLED, Highway Patrol and other law enforcement jurisdictions.	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	15	E
7. Job Duty: Manages Program budget; creates yearly IT plan and budget.	Essential	Weight Factor	Performance Level
Success Criteria:	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	10	E
8. Job Duty:	Essential	Weight Factor	Performance Level
Success Criteria:	<input type="checkbox"/> Yes or <input type="checkbox"/> No		

### ACTUAL PERFORMANCE

Please provide a brief description of the employee's actual performance during this rating period. Please be specific and use examples of work performed, where appropriate. Frank has continued to provide outstanding support to the DMV across all areas of responsibility to include Network, applications and desktop support. His efforts have increased our IT structure, capacity, security and stability, making it one of the most advanced IT systems in the state. Frank has diligently worked to deliver several key, high profile programs to fruition, including E-citation, a new DMV website, multifactor authentication, REAL ID, and VOIP, to name just a few. These initiatives will save the agency and state millions of dollars, increase security of our enterprise system as well as modernize an aging customer service architecture. His department was recognized state-wide by the SC IT Director's Association for their new website development and continues to lead the state agencies in IT-related innovation and modernization. Frank has spearheaded the restructuring of our IT organization, improving the overall efficiency and effectiveness of the department as well as revamping our process and timeline for performing critical code moves and system updates. These actions have significantly contributed to our ability to make critical upgrades without significantly impacting other areas of our system. He continues to enact legislative initiatives, system upgrades and modifications at record pace despite a relatively small core staff. He has developed a modernization plan with the goal of upgrading an archaic system while ensuring fiscal responsibility and vendor accountability. In order to ensure the agency is resourced with the best technical solutions for business process requirements and within fiscal constraints, his department has developed, coordinated and implemented a software procurement and fielding process where none had previously existed. Frank and his team work every day to ensure our Agency has the IT architecture, stability, capability and security necessary to serve the myriad of customers across the state and country. A continued asset to the agency and state.

### OBJECTIVES (Optional)



# South Carolina Department of Motor Vehicles

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*Each job duty should be identified as being essential or not by selecting Yes or No.*

*An essential objective is defined as a non-recurring task or assignment, which has primary importance to the total position.*

1. Objective: IT support of key project development and implementation.	Essential	Weight Factor	Performance Level
Success Criteria: Ensure DMV IT projects are developed and implemented accurately and on a timely basis	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	10	E
2. Objective:	Essential	Weight Factor	Performance Level
Success Criteria:	<input type="checkbox"/> Yes or <input type="checkbox"/> No		
3. Objective:	Essential	Weight Factor	Performance Level
Success Criteria:	<input type="checkbox"/> Yes or <input type="checkbox"/> No		
4. Objective:	Essential	Weight Factor	Performance Level
Success Criteria:	<input type="checkbox"/> Yes or <input type="checkbox"/> No		
5. Objective:	Essential	Weight Factor	Performance Level
Success Criteria:	<input type="checkbox"/> Yes or <input type="checkbox"/> No		

### ACTUAL PERFORMANCE

Please provide a brief description of the employee's actual performance during this rating period. Please be specific and use examples of work performed, where appropriate. Outstanding delivery of critical projects; Credit card, electronic ticketing, web-based services, Real ID implementation and a new cardstock and laminate design and delivery are just a few of the no fail Agency initiatives that IT has provided in a singularly outstanding manner this past year.

### PERFORMANCE CHARACTERISTICS/COMPETENCIES

- See EPMS Performance Characteristics/Competencies
- See EMPS Competency Dictionary

1. Characteristic/Competency:	Weight Factor	Performance Level
Success Criteria:		
2. Characteristic/Competency:	Weight Factor	Performance Level
Success Criteria:		
3. Characteristic/Competency:	Weight Factor	Performance Level
Success Criteria:		

### SUMMARY AND IMPROVEMENT PLAN

Identify the employee's major accomplishments, area needing improvement, and steps to improve present and future performance:

### APPRAISAL RESULTS



**South Carolina Department of Motor Vehicles**  
**EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM**

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Exceptional

Successful

Unsuccessful





**South Carolina Department of Motor Vehicles  
EPMS WEIGHTED SYSTEM - WORK FORM**

HR-204A  
(Rev. 11/15)

**DUTIES:**

Frank Rodgers

Duty	Weight Factor	%	Performance Rating Level	Value	=	Total Score
Duty 1	15	%	E	3	=	45
Duty 2	15	%	E	3	=	45
Duty 3	15	%	E	3	=	45
Duty 4	10	%	S	2	=	20
Duty 5	10	%	E	3	=	30
Duty 6	15	%	E	3	=	45
Duty 7	10	%	E	3	=	30
Duty 8		%	Select One	0	=	0
Duty 9		%	Select One	0	=	0
Duty 10		%	Select One	0	=	0

**OBJECTIVES:**

Duty	Weight Factor	%	Performance Rating Level	Value	=	Total Score
Objective 1	10	%	E	3	=	30
Objective 2		%	Select One	0	=	0
Objective 3		%	Select One	0	=	0

**PERFORMANCE CHARACTERISTICS/COMPETENCIES:**

Duty	Weight Factor	%	Performance Rating Level	Value	=	Total Score
Characteristic/Competency 1		%	Select One	0	=	0
Characteristic/Competency 2		%	Select One	0	=	0
Characteristic/Competency 3		%	Select One	0	=	0

<b>TOTALS</b>	<b>100</b>	<b>%</b>				<b>290</b>
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**OVERALL RATING: 2.90**

**PERFORMANCE REQUIREMENT RATING: EXCEPTIONAL**





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Signature/ Rating Officer: [Signature] Date: 12-12-17  
 Print Name: John F. Laganelli Phone #: (803) 896-9010  
 Signature/ Reviewed by: [Signature] Date: 12-18-2017  
 Print Name: Kevin A. Shwedo Phone #: (803) 896-8924  
 Signature/ Employee: [Signature] Date: 12-12-2017  
 Print Name: FRANK RODGERS

*(Signature of employee indicates the Planning Stage and Position Description were reviewed with the employee.)*

**Check if applicable:**  Planning stage was not completed at the beginning of the rating period. This is to acknowledge that both the employee and rating officer agree that the duties and success criteria by which the rating will be done is acceptable.

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<b>APPRAISAL RESULTS (Total)</b>	
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<p>3. Job Duty: Provides Desktop Support and technical assistance to DMV employees at headquarters and in field offices.</p>	Essential	Weight Factor	Performance Level
<p>Success Criteria: Ensures that policies and practices are in place to answer calls from users who need technical assistance and respond to hardware/software problems at HQ and in field offices. This includes Saturday office support and overflow from other DMV Help Desks. Ensures that the appropriate priority is assigned to trouble calls and that the highest priority calls are resolved quickly to minimize customer inconvenience and wait times.</p>	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	15	



# South Carolina Department of Motor Vehicles

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4. Job Duty: Develops and implements an appropriate Disaster Recovery plan for key IT systems and resources.	Essential	Weight Factor	Performance Level
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5. Job Duty: Conducts ongoing research and development for established and emerging technologies to ensure the agency maximizes benefits offered by new technology.	Essential	Weight Factor	Performance Level
Success Criteria: Uses AAMVA resources/contacts, vendors, trade publications, technology seminars, etc. to identify new technologies and practices that may benefit the agency.	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	10	
6. Job Duty: Establishes and maintains business relationships with external DMV users/stakeholders to support delivery of DMV services and transfer receipt of required data	Essential	Weight Factor	Performance Level
Success Criteria: Communicates as required with DMV stakeholders and end users to ensure that data and other products/services are delivered. Notifies users of service interruptions and scheduled downtime. Meets with users as necessary to review/define requirements. Creates standards and policies for the exchange of data. External users include SC counties, insurance companies, SC Interactive (SC Portal), auto dealers, AAMVA, SLED, Highway Patrol and other law enforcement jurisdictions.	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	15	
7. Job Duty: Manages Program budget; creates yearly IT plan and budget.	Essential	Weight Factor	Performance Level
Success Criteria:	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	10	
8. Job Duty:	Essential	Weight Factor	Performance Level
Success Criteria:	<input type="checkbox"/> Yes or <input type="checkbox"/> No		

### ACTUAL PERFORMANCE

Please provide a brief description of the employee's actual performance during this rating period. Please be specific and use examples of work performed, where appropriate.

### OBJECTIVES

(Optional)

*Each job duty should be identified as being essential or not by selecting Yes or No.*

*An essential objective is defined as a non-recurring task or assignment, which has primary importance to the total position.*

1. Objective: IT support of key project development and implementation.	Essential	Weight Factor	Performance Level
Success Criteria: Ensure DMV IT projects are developed and implemented accurately and on a timely basis	<input checked="" type="checkbox"/> Yes or <input type="checkbox"/> No	10	
2. Objective:	Essential	Weight Factor	Performance Level
Success Criteria:	<input type="checkbox"/> Yes or <input type="checkbox"/> No		
3. Objective:	Essential	Weight Factor	Performance Level
Success Criteria:	<input type="checkbox"/> Yes or <input type="checkbox"/> No		



**South Carolina Department of Motor Vehicles  
EMPLOYEE PERFORMANCE MANAGEMENT SYSTEM**

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4. Objective:	Essential	Weight Factor	Performance Level
Success Criteria:	<input type="checkbox"/> Yes or <input type="checkbox"/> No		

5. Objective:	Essential	Weight Factor	Performance Level
Success Criteria:	<input type="checkbox"/> Yes or <input type="checkbox"/> No		

**ACTUAL PERFORMANCE**

Please provide a brief description of the employee's actual performance during this rating period. Please be specific and use examples of work performed, where appropriate.

**PERFORMANCE CHARACTERISTICS/COMPETENCIES**

- See [EPMS Performance Characteristics/Competencies](#)
- See [EMPS Competency Dictionary](#)

1. Characteristic/Competency:	Weight Factor	Performance Level
Success Criteria:		

2. Characteristic/Competency:	Weight Factor	Performance Level
Success Criteria:		

3. Characteristic/Competency:	Weight Factor	Performance Level
Success Criteria:		

**SUMMARY AND IMPROVEMENT PLAN**

Identify the employee's major accomplishments, area needing improvement, and steps to improve present and future performance:

**APPRAISAL RESULTS**

<input type="checkbox"/> Exceptional	<input type="checkbox"/> Successful	<input type="checkbox"/> Unsuccessful
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# South Carolina Department of Motor Vehicles

## EMPLOYEE ACKNOWLEDGMENT OF DUTY OF NON-DISCLOSURE AND DUE DILIGENCE

AD-503A  
(Rev. 6/16)

THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS DOCUMENT DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

This is an acknowledgment of the employee's obligations to protect personal or sensitive information from wrongful or unlawful disclosure and to protect the SCDMV computer network.

I, FRANK RIDGERS, acknowledge that, as an employee of the SCDMV, I am in frequent contact with sensitive Personally Identifiable Information (PII). I am also aware that SCDMV strives to protect the citizens of South Carolina from fraud or invasion of privacy by safeguarding their PII.

I understand that SCDMV defines PII as any representation of information that permits the identity of an individual to whom the information applies to be reasonably gathered or figured out by any means.

Below is a listing of PII based on situations that routinely occur in the SCDMV. The information below should be considered in its entirety. This information is grouped according to Customer Records, Employee Records, Commercial Solicitation and Combinations of Information that can constitute PII.

### 1. Customer Records

a. In all cases for Customer Records, PII specifically includes:

- 1) an individual's photograph or digitized image;
- 2) social security numbers;
- 3) name;
- 4) address (but not the 5-digit zip code);
- 5) telephone number;
- 6) dates of birth;
- 7) driver's license or identification number;
- 8) home telephone number;
- 9) medical or disability information;
- 10) checking account numbers;
- 11) savings account numbers;
- 12) credit card numbers;
- 13) debit card numbers;
- 14) personal identification (PIN) numbers;
- 15) electronic identification numbers; and
- 16) digital signatures.

b. In all cases for Customer Records, the following PII shall be considered "highly restricted personal information":

- 1) social security number;
- 2) an individual's photograph or digitized image; and
- 3) medical or disability information.

### 2. Employee Records (In all cases)

- a. Social security numbers;
- b. Dates of birth;
- c. Home address;
- d. Home telephone numbers;
- e. Personal cell phone numbers; and
- f. Medical and/or disability information.

### 3. Commercial Solicitation

The following information is PII only for purposes of commercial solicitation as defined in the Family Privacy Protection Act SC Code §30-2-10:

- a. education level;
- b. financial status;
- c. account or identification number issued by or used, or both, by any federal or state governmental agency or private financial institution;
- d. employment history;
- e. height;



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## EMPLOYEE ACKNOWLEDGMENT OF DUTY OF NON-DISCLOSURE AND DUE DILIGENCE

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- f. weight;
- g. race;
- h. other physical details;
- i. signature;
- j. biometric identifiers; and
- k. any credit records or reports.

**4. Combinations of Information**

Although individually these items may already be PII based on the lists above (for example, a social security number by itself), the following information is also PII when two (2) or more of these pieces of information are together:

- a. Current or former names, including first and last names, middle and last names, or first, middle, and last names (not including electronic identification names or parent's legal surname before marriage);
- b. Current or former addresses (not including electronic mail addresses);
- c. dates of birth;
- d. driver's license or identification number;
- e. checking account numbers;
- f. savings account numbers;
- g. credit card numbers;
- h. debit card numbers;
- i. personal identification (PIN) numbers;
- j. electronic identification numbers;
- k. digital signatures; and
- l. other numbers, passwords, or information which may be used to access a person's financial resources, numbers, or information issued by a governmental or regulatory entity that uniquely will identify an individual or an individual's financial resources.

I further acknowledge:

- My job responsibilities at SCDMV require me to have access to computer systems which contain PII. I will not view, print, download, transfer or release any stored data, including PII, unless a specific job related duty requires me to do so.
- I will, to the best of my ability, safeguard all aspects of South Carolina citizens' PII. This includes but is not limited to all computer and hard copy data.
- I will, to the best of my ability, safeguard and protect any and all types of PII of SCDMV employees, and sensitive information related to SCDMV operations.
- I will, to the best of my ability, safeguard and protect the SCDMV computer network. This includes but is not limited to ensuring that I take all due diligence precautions regarding network security.

I understand that if I make any improper disclosure of such personal information from any other person's driver or vehicle file, a report of such disclosure will be made and placed in my Department personnel file. I further understand that disciplinary actions against me will be imposed pursuant to the Department's Corrective Action Policy HR-202, up to and including my termination from employment.

In addition, I have been advised that if I knowingly or willfully breach my duty of non-disclosure, I may face criminal charges, including but not limited to penalties under title 18 of the United States Code, in addition to civil liability for damages, punitive damages and attorneys' fees. I likewise acknowledge that if I breach my duty of due diligence I may likewise incur civil liability as allowed by law.

Printed name: FRANK RODGERS (Employee's Name)

Signature: [Handwritten Signature] Date: 12/12/2017

**The signing of this acknowledgement was witnessed by:**

Printed name: John Laganello (Witness' Name)

Signature: [Handwritten Signature] Date: 12/12/17



**South Carolina Department of Motor Vehicles**  
**EMPLOYEE ACKNOWLEDGMENT OF DUTY OF**  
**NON-DISCLOSURE AND DUE DILIGENCE**

**AD-503A**  
(Rev. 6/16)

The Following Codes of Law pertain to Form AD-503A, Employee Acknowledgement of Duty of Non-Disclosure and Due Diligence:

**SECTION 30-4-160 of the 1976 South Carolina Code of Laws**

**Sale of Social Security number or driver's license photograph or signature.**

- (A) This chapter does not allow the Department of Motor Vehicles to sell, provide, or otherwise furnish to a private party Social Security numbers in its records, copies of photographs, or signatures, whether digitized or not, taken for the purpose of a driver's license or personal identification card.
- (B) Photographs, signatures, and digitized images from a driver's license or personal identification card are not public records.

**SECTION 30-4-165 of the 1976 South Carolina Code of Laws**

**Privacy of driver's license information.**

- (A) The Department of Motor Vehicles may not sell, provide, or furnish to a private party a person's height, weight, race, social security number, photograph, or signature in any form that has been compiled for the purpose of issuing the person a driver's license or special identification card. The department shall not release to a private party any part of the record of a person under fifteen years of age who has applied for or has been issued a special identification card.
- (B) A person's height, weight, race, photograph, signature, and digitized image contained in his driver's license or special identification card record are not public records.
- (C) Notwithstanding another provision of law, a private person or private entity shall not use an electronically-stored version of a person's photograph, social security number, height, weight, race, or signature for any purpose, when the electronically-stored information was obtained from a driver's license record.

**SECTION 30-2-20 of the 1976 South Carolina Code of Laws**

**Privacy policies and procedures required of all state entities.**

All state agencies, boards, commissions, institutions, departments, and other state entities, by whatever name known, must develop privacy policies and procedures to ensure that the collection of personal information pertaining to citizens of the State is limited to such personal information required by any such agency, board, commission, institution, department, or other state entity and necessary to fulfill a legitimate public purpose.

**US CODE Title 18 Chapter 123 § 2721.**

**Prohibition on release and use of certain personal information from State motor vehicle records**

- (A) In General.— A State department of motor vehicles, and any officer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity:
  - 1) personal information, as defined in 18 U.S.C. 2725 (3), about any individual obtained by the department in connection with a motor vehicle record, except as provided in subsection (b) of this section; or
  - 2) highly restricted personal information, as defined in 18 U.S.C. 2725 (4), about any individual obtained by the department in connection with a motor vehicle record, without the express consent of the person to whom such information applies, except uses permitted in subsections (b)(1), (b)(4), (b)(6), and (b)(9): Provided, That subsection (a)(2) shall not in any way affect the use of organ donation information on an individual's driver's license or affect the administration of organ donation initiatives in the States.
- (B) Permissible Uses.— Personal information referred to in subsection (a) shall be disclosed for use in connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor vehicle product alterations, recalls, or advisories, performance monitoring of motor vehicles and dealers by motor vehicle manufacturers, and removal of non-owner records from the original owner records of motor vehicle manufacturers to carry out the purposes of titles I and IV of the Anti Car Theft Act of 1992, the Automobile Information Disclosure Act (15 U.S.C. 1231 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and chapters 301, 305, and 321–331 of title 49, and, subject to subsection (a)(2), may be disclosed as follows:
  - 1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.
  - 2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle



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- parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.
- 3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only—
    - a) to verify the accuracy of personal information submitted by the individual to the business or its agents, employees, or contractors; and
    - b) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.
  - 4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State, or local court.
  - 5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, redisclosed, or used to contact individuals.
  - 6) For 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.
  - 7) For use in providing notice to the owners of towed or impounded vehicles.
  - 8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection.
  - 9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49.
  - 10) For use in connection with the operation of private toll transportation facilities.
  - 11) For any other use in response to requests for individual motor vehicle records if the State has obtained the express consent of the person to whom such personal information pertains.
  - 12) For bulk distribution for surveys, marketing or solicitations if the State has obtained the express consent of the person to whom such personal information pertains.
  - 13) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.
  - 14) For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.
- (C) Resale or Redisclosure.— An authorized recipient of personal information (except a recipient under subsection (b)(11) or (12)) may resell or redisclose the information only for a use permitted under subsection (b) (but not for uses under subsection (b)(11) or (12)). An authorized recipient under subsection (b)(11) may resell or redisclose personal information for any purpose. An authorized recipient under subsection (b)(12) may resell or redisclose personal information pursuant to subsection (b)(12). Any authorized recipient (except a recipient under subsection (b)(11)) that resells or rediscloses personal information covered by this chapter must keep for a period of 5 years records identifiable each person or entity that receives information and the permitted purpose for which the information will be used and must make such records available to the motor vehicle department upon request.
- (D) Waiver Procedures.— A State motor vehicle department may establish and carry out procedures under which the department or its agents, upon receiving a request for personal information that does not fall within one of the exceptions in subsection (b), may mail a copy of the request to the individual about whom the information was requested, informing such individual of the request, together with a statement to the effect that the information will not be released unless the individual waives such individual's right to privacy under this section.
- (E) Prohibition on Conditions.— No State may condition or burden in any way the issuance of an individual's motor vehicle record as defined in 18 U.S.C. 2725 (1) to obtain express consent. Nothing in this paragraph shall be construed to prohibit a State from charging an administrative fee for issuance of a motor vehicle record.