



City of Maple Heights Law Department  
John J. Montello, Law Director  
5353 Lee Road  
Maple Heights, Ohio 44137  
Fax: [REDACTED]

August 27, 2009 – sent via fax and U.S. Mail

Dear Mr. Montello:

The American Civil Liberties Union of Ohio Foundation has been contacted by a resident who has expressed concern over the City of Maple Heights releasing copies of driver's licenses to her by mail. She made a public records request about a property she owned, and the City's response to her records request included copies of the driver's licenses of her husband and another individual. One driver's license showed clearly the individual's social security number. We would like to remind your office that the release of confidential personal information, such as driver's licenses with social security numbers plainly visible, is prohibited by law.

#### Definitions

- Under 18 USC 2725, "personal information" is defined as information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address, telephone number and medical or disability information.
- "Highly restricted personal information" is further defined as an individual's photograph/image, social security number, and medical or disability information.

#### Federal Law

- Under 18 USC 2721, the Driver's Privacy Protection Act, no state actor may knowingly disclose or make available such information related to driver's licenses without first obtaining the individual's consent.

#### State Law

- Ohio Revised Code §149.43(A)(1) states a person's social security number does not constitute a public record
- ORC §1347.05(G) requires that every state or local agency that maintains personal information systems take reasonable precautions to protect

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personal information in the system from unauthorized modification, destruction, use, or disclosure.

- ORC §1347.10(A)(2) gives a person who is harmed by the use and disclosure of personal information in a manner prohibited by law the right to recover damages in a civil action from any person who caused the harm.

The release of copies of a driver's license clearly showing an individual's social security number creates a high risk of identity theft and other misuses of the information. By holding onto copies of driver's licenses, you have the legal duty to ensure their safekeeping.

We strongly encourage you to ensure all personnel in the City of Maple Heights do not release confidential personal information, such as copies of driver's licenses or social security numbers. Certainly records requests can be filled in a timely manner while still respecting residents' privacy.

We request that you respond to our concerns in a timely manner. Should you have any questions, please do not hesitate to contact us at [REDACTED] or [contact@acluohio.org](mailto:contact@acluohio.org).

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Sincerely,  
[REDACTED]

Carrie L. Davis  
Staff Counsel