

## DEPARTMENT OF REVENUE

### Division of Motor Vehicles

#### 1 CCR 204-30, Rule 14. VENDOR CONTRACTS FOR THE BULK ELECTRONIC TRANSFER OF DEPARTMENT RECORDS

##### Authority

This rule is promulgated in accordance with the State Administrative Procedures Act, section 24-4-101 et seq., C.R.S. and adopted pursuant to the authority in sections [24-72-204 C.R.S.](#), [24-74-103](#), [24-74-105](#), [24-74-106](#), [42-1-204 C.R.S.](#), and [42-1-206\(3.7\)](#).

##### Scope and Purpose

- A. This rule governs annual contracts between the department and vendors and primary users for the purpose of establishing, regulating, and maintaining the bulk electronic transfer of information.
- B. This rule does not apply to any federal, state, or local governmental agency that receives Data directly from the department.

##### 1.0 Definitions

“Data” means a subset of Information.

“Information” means the total of all files, updated files, or portions thereof, that the department is permitted by law to release through a bulk electronic transfer.

“Sub-Vendor” means any person who enters into an agreement with a vendor to receive Data. A primary user of Data may also be a Sub-Vendor.

##### 2.0 Contract Requirements

- A. The department will not transfer Information to a vendor or primary user unless the vendor or primary user has executed a contract with the department in accordance with section [42-1-206\(3.7\)](#), C.R.S.
- B. A contract between the department and a vendor shall include provisions that ensure that no Data will be transferred to a Sub-Vendor unless the Sub-Vendor has provided the vendor, and the vendor has approved, a form, DR 2489, Requestor Release and Affidavit of Intended Use, and has agreed that it will not use the Data in a manner prohibited by law.

C. [C.R.S. 24-72-105](#) “Protect Personal Identifying Information Kept By State” prohibits a state agency from disclosing or making accessible personal identifying information to any individual, agency, or official for the purpose of enforcing, cooperating, or assisting in federal immigration enforcement, except as required by federal or state law or as required to comply with a court-issued subpoena, warrant, or order that is not related to prosecution for a violation of specified provisions of federal law. Vendors and Sub Vendors will now be required to review a “USE and DISCLOSURE” statement on the DR 2675 Form, End User License Agreement (EULA) to complete under the Agency section.

**REQUIRED:** Per §24-74-105 C.R.S., I agree that the third party will not USE or DISCLOSE personal identifying information obtained from the database or automated network for the purpose of investigating for, participating in, cooperating with, or assisting in Federal Immigration Enforcement, including enforcement of civil immigration laws and 8 U.S.C. SEC. 1325 or 1326, unless required by Federal or State Law or to comply with the attached court-issued subpoena, warrant, or order.  Yes  No