

Small Business Data Sharing Compliance Guide

Purpose:

The Department of Licensing (DOL) provides data on drivers, vehicles, professional licenses, and other activities that enable Washington residents to live, work, drive, and thrive. Our data is used by state agencies, local governments, large corporations, and small business for any number of authorized reasons.

Before we can share data containing confidential information, we must enter into an agreement with you to ensure the data is secure from harm, and used only as authorized. The agreement and rules we write sometimes seem complex and burdensome to small businesses, who may not have technology staff or full-time contract and legal teams.

Target Audience:

We are assuming in this guide that you are an owner or employee of a business with fewer than 50 full time staff, that uses DOL data about drivers to make sure your employees are safe to drive, or data to help you perform your business functions. You may operate your business from your home with a computer, some paper files, a general business license from the state, a registration with the city, a few hundred customers and a business bank account.

If you are a venture-capital funded technology or advertising company with millions of customers then this guide is not really meant for you – even if you have less than 50 full time staff. Similarly, if you make money by sharing your customers’ information, this document probably won’t be much help – you should contact us instead at DataContracts@DOL.wa.gov.

What the small business contract and compliance process involves:

- Before anyone can access confidential information from DOL, they have to get authorization from our Data Management Office. Remember, businesses can request some parts of your personal data. We owe you (and every state resident) a duty to only share the data where there is a legitimate need. Through the authorization process we make sure each business has a legitimate need, and a legal permissible use.
- You know you’re authorized to access DOL data when you enter into a contract with us. To protect and secure the information we share, we require every business to implement minimum computer security standards.
- DOL follows a law that says when we share data, the business we share data with has to undergo what we call “data security” and “permissible use” audits.
- We try hard not to disrupt your business with our compliance process – but we have to protect people’s confidential information.
- DOL has some discretion in how we run our compliance program, but here are the essential elements:
 - o Self-Assessment / Statement of compliance

- We ask for an annual “statement of compliance”. We provide you a form; you take the time needed to do a self-assessment and let us know if you’re in compliance with the requirements in your data sharing agreement.
 - Most small businesses are able to turn these around pretty quickly.
 - We generally request these once a year, but that is flexible. If a business only pulls a handful of records each year, and has no history of misusing the data, we can often skip a year.
 - DOL does not charge you for any portion of this process.
- Audits
 - We share data with thousands of businesses, and randomly audit them to make sure the data is secure and only used as authorized.
 - We send businesses a one-page form to fill out. We don’t ask you to hire an auditor. We do not hire an auditor. It is a form designed to fill out with minimal effort.
 - Once you return the form, we review it.
 - If everything is good, we close the audit.
 - If you’re having an issue meeting one of the requirements, we work with you to find a workable solution.
 - These audits are conducted about once every five years with small businesses; however, it could be more frequent if we receive complaints about how their data is used or secured.
 - DOL charges for our work on these audits. The cost is estimate is \$150. If the cost exceeds \$150, you would be notified in advance and have an opportunity to discuss other solutions.

What are some of the concerns expressed by small businesses?

Examples of concerns reported to us by small businesses and suggested solutions:

- 1.) *We’re using DOL online systems for the first time and are afraid of making a mistake and having to pay huge fines or consultant fees because of a mistake.*
 - a. We provide a detailed set of instructions for most of our online services. Be sure to check your email for a message from DOL with a link to the [e-Services user guide](#).
 - b. Call our data sharing team at (360) 902-3920 or email us at doldataservices@dol.wa.gov and ask about anything that causes confusion. There is no cost for questions, tips or conversations.
 - c. Set a date next year to do a quick review of what you’ve done with DOL data, and delete what you don’t need (for example, driver records over 5 years old, or data on vehicles you’ve sold).
 - d. Set up a counter now for the number of vehicle or drivers records you’ve looked up on DOL systems. If you stay below 5,249 lookups per year your compliance will be a lot easier.



- 2.) *Our company needs to pull driving records as part of our screening process, since most of our employees need to be able to drive a work truck or other company vehicles. The only reason we need to pull the record ourselves is so our applicants don't need to pay the fee for themselves or spend their time in line at the DOL to get a copy of their record.*
 - a. We support you pulling the records for that very purpose; we just want to make sure you have consent from the person before you pull the driving record.
 - b. Make sure you keep the [consent forms](#), and be sure to store them in a secure location – like a locked file cabinet. It is possible we might ask to see a copy.
- 3.) *We expect DOL will audit us and need to minimize the time our staff must take away from their regular jobs to deal with the audit.*
 - a. DOL is committed to not disrupting your business in our compliance process. If your records are in order, the standard audit should take no more than a couple of hours.
- 4.) *We don't have a lot of insurance and have no idea whether "cyber liability" is included in what we have.*
 - a. "Cyber liability" insurance is only required if you hold onto the records of more than 5,249 people in a year. If you hold onto records for 5,250 to 50,000 people a year, you will need \$1 million of coverage. Very few of our small business customers use more than 5,249 records per year.
 - b. Set up a counter now for the number of vehicle or drivers records you've looked up on DOL systems. If you stay below 5,250 lookups per year your compliance will be a lot easier.
 - c. Delete the files you don't need anymore – records you have deleted don't count toward the cyber liability obligation.
 - d. We know that cyber liability insurance is not always easy to get or can be very expensive. If that's the case for you, check the proposed contract we sent you – there's a section that lets you request a temporary reduction in the amount of CLI required, or a complete waiver.

Shortcuts and safe harbors

- Keep all your DOL records that contain confidential information in a lock box or on an encrypted disk. It's usually not a breach if you lose an encrypted disk.
- Delete old data records containing confidential information at least once a year.
- If requesting a driving record for employment, or volunteers, get a consent form signed by the people whose records you are going to request. DOL offers a "[Release of interest" form](#) on the website; ask your applicants and employees to sign one of those (or something like it) early in your relationship.
- Don't share the data you get from DOL with other companies – known as "subrecipients" in DOL contracts and rules. You're allowed to re-share in most cases, but then we expect you to hold the companies you share with to the same standards we require of you, and that complicates things substantially.



- If you need only a handful of records each year, consider mailing in your request, or submitting a public records request instead. That way, you're not obligated to comply with our contractual requirements. Here's some links:
 - [Driving Record Request form](#) (mail in)
 - [Request a record through a public disclosure request](#).
- You could also purchase DOL data from one of our approved data brokers. Depending on the company, they may be able to secure the records for you in their system. A list of approved data brokers can be found on our [How we use your information](#) page, under "Commercial data brokers".

Resources, links and how-to's:

- Here's the basic step-by-step on using our online e-Services [E-services user guide](#)
- For companies that have multiple e-Services users, here's the Administrator user guide for those e-Services: [Administrator account access user guide \(wa.gov\)](#)
- For academic researchers we have a different [Compliance Guide](#).

Request for feedback

This guide is intended to help small businesses understand how to navigate our contracts and rules safely and simply. If you have a suggestion, question, or painful experience that could help small businesses spend less time on DOL compliance and more time on business, please let us know by emailing DataContracts@dol.wa.gov and we'll try to get it into a future edition of this guide.

