



From: FOIA (DMV) FOIA@dmv.virginia.gov 
Subject: Re: FOIA Request - Records Relating to Data Sharing for Executive Order 35
Date: November 14, 2024 at 5:32 PM
To: Barry Hamilton 



Barry Hamilton,

The Virginia Department of Motor Vehicles (DMV) received your request for information on October 28, 2024, pursuant to the Virginia Freedom of Information Act (FOIA). Due to the volume of records requiring review, DMV invoked the statutorily permitted extension under Va. Code § 2.2-3704(B)(4). Specifically, you seek:

1. Interagency Communications and Coordination:

- All emails, letters, memos, and other communications (including attachments) between DMV officials and the Virginia Department of Elections (ELECT) or the Office of the Governor regarding the supply, criteria, or verification of the DMV Non-Citizen Data Set used to implement Executive Order 35, from January 1, 2023, to the present.
- Communications discussing specific terms such as “Data Verification Protocols,” “Non-Citizen Identification Criteria,” and “Data Quality Control Measures” related to voter roll updates.

2. Data Management and Quality Assurance Documentation:

- Documents detailing the procedures DMV followed to compile, verify, and prepare the non-citizen data for ELECT, including any guidelines or quality control measures under titles like “Non-Citizen Flagging Procedures” or “Data Accuracy Protocols for Voter Integrity Projects.”
- Any manuals, checklists, or internal reports related to the accuracy, validation, and management of citizenship status data, especially documents addressing potential errors in DMV citizenship records.

3. Impact Assessments and Compliance Reviews:

- Any internal assessments, studies, or impact evaluations related to the accuracy of the DMV Non-Citizen Data Set and its use for voter list maintenance under Executive Order 35.
- Legal reviews, compliance guidance, or risk assessments discussing DMV’s adherence to federal and state privacy laws, such as the Driver’s Privacy Protection Act (DPPA), and any compliance coordination with ELECT or the Governor’s Office on federal law requirements for data-sharing.

In response to request #1, after a review of DMV records using the search criteria provided, a total of 31 emails were identified that may be responsive and will require review. DMV estimates 2 minutes per email to review for responsiveness. Based on an administrative hourly rate of \$19.51, the estimated cost for responding to this request is \$20.16. If you wish to proceed with this request, please advise. As requested, DMV will take no further action on this request with out a response from you.

In response to request #2, after a review of DMV’s records, attached you will find an outline of EMV process as Responsive Doc A. In accordance with Va. Code §2.2-3705.2 portions have been redacted for security purposes.

In response to request #3, DMV has no responsive documents. DMV was not required to conduct an impact assessments or compliance review in reference to Executive Order 35.

Respectfully,



DMV FOIA Office

Virginia Department of Motor Vehicles | Data & Records Services | Data Management

DMV Confidentiality Statement

The information contained in the email message and any attachments may be privileged and/or confidential. It is intended only for the use of the individual or entity named in the document. If you are not the intended recipient, you are hereby notified that you are prohibited from disseminating, distributing, or copying the information contained in this message or any attachments. If you have received an email or message in error, please notify the sender immediately and destroy all copies of the original message and any attachments.

Payment Card Industry Compliance Statement

In efforts to comply with Payment Card Industry (PCI) Compliance regulations and security guidelines, DMV no longer accepts credit payments via email or U.S. Postal Service, effective on April 1, 2015. To pay by credit card, you may visit your local DMV Customer Service Center or complete the payment authorization form (DMS 004) and fax it only to the number provided.

From: FOIA (DMV) <FOIA@dmv.virginia.gov>

Sent: Monday, November 4, 2024 5:02 PM

To: Barry Hamilton <[REDACTED]>

Subject: Re: FOIA Request - Records Relating to Data Sharing for Executive Order 35

Barry Hamilton,

Thank you for the request you submitted below pursuant to the Virginia Freedom of Information Act on October 28, 2024. Due to the volume of records requiring researching and reviewing, we are invoking subsection B 4 of § 2.2-3704 to provide an additional seven working days to respond to your request. You will receive a response on or before November 14, 2024. Please note, all DMV offices will be closed Tuesday November 5, 2024.

Additionally, a cost estimate is being assessed and will be provided when it is available.

Respectfully,



DMV FOIA Office

Virginia Department of Motor Vehicles | Data & Records Services | Data Management
Administration
www.dmvNOW.com

Safeguarding Lives | Securing Identities | Serving the Motoring Public | Supporting Industry Partners

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authorization form (DMS 004) and fax it only to the number provided.

From: Barry Hamilton <[REDACTED]>
Sent: Wednesday, October 30, 2024 3:13 PM
To: FOIA (DMV) <FOIA@dmv.virginia.gov>
Subject: Re: FOIA Request - Records Relating to Data Sharing for Executive Order 35

Thank you, and yes, please provide a cost estimate when it is available.

Barry Hamilton
The Ice Machine
[REDACTED]
Williamsburg, VA 23185
[REDACTED]
[REDACTED]

On Oct 30, 2024, at 11:59 AM, FOIA (DMV) <FOIA@dmv.virginia.gov> wrote:

Barry Hamilton,

The Department of Motor Vehicles (DMV) FOIA Office has received your FOIA request on October 28, 2024. You will receive a response on or before November 4, 2024. Pursuant to Virginia Code § 2.2-3704, DMV must notify all requestors that a “public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records”. You may request a cost estimate in advance of supplying the records. If a cost estimate is not requested, DMV will proceed to process your request and notify you of any fees, if applicable, with our response.

Thank you,

DMV FOIA Office
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From: Barry Hamilton [REDACTED]
Sent: Sunday, October 27, 2024 7:33 PM
To: FOIA (DMV) <foia@dmv.virginia.gov>
Subject: FOIA Request - Records Relating to Data Sharing for Executive Order 35

Dear Ms. Saunders,

In accordance with the Virginia Freedom of Information Act, Va. Code § 2.2-3700, et seq., and applicable federal FOIA laws, I request access to and copies of records from the Virginia Department of Motor Vehicles (DMV) related to its role in supplying data for the implementation of **Executive Order 35**. Signed by Governor Glenn Youngkin on August 7, 2024, this order required the use of DMV data to identify non-citizens for voter roll maintenance. This request targets specific documents, communications, and procedural guidelines relevant to the data's collection, verification, and integration with the voter registration database.

Requested Records for Virginia DMV

1. **Interagency Communications and Coordination:**
 - All emails, letters, memos, and other communications (including attachments) between DMV officials and the Virginia Department of Elections (ELECT) or the Office of the Governor regarding the supply, criteria, or verification of the **DMV Non-Citizen Data Set** used to implement Executive Order 35, from January 1, 2023, to the present.
 - Communications discussing specific terms such as "**Data Verification Protocols**," "**Non-Citizen Identification Criteria**," and "**Data Quality Control Measures**" related to voter roll updates.
2. **Data Management and Quality Assurance Documentation:**
 - Documents detailing the procedures DMV followed to compile, verify, and prepare the non-citizen data for ELECT, including any guidelines or quality control measures under titles like "**Non-Citizen Flagging Procedures**" or "**Data Accuracy Protocols for Voter Integrity Projects**."
 - Any manuals, checklists, or internal reports related to the accuracy, validation, and management of citizenship status data, especially documents addressing potential errors in DMV citizenship records.
3. **Impact Assessments and Compliance Reviews:**
 - Any internal assessments, studies, or impact evaluations related to the accuracy of the DMV Non-Citizen Data Set and its use for voter list maintenance under Executive Order 35.
 - Legal reviews, compliance guidance, or risk assessments discussing DMV's adherence to federal and state privacy laws, such as the **Driver's Privacy Protection Act (DPPA)**, and any compliance coordination with ELECT or the Governor's Office on federal law requirements for data-sharing.

Format and Delivery

I request these records in electronic format (PDFs or other accessible electronic files), delivered via email to the following address: [REDACTED]
If any part of the requested materials is withheld, please specify the statutory

basis for each denial as required by Va. Code § 2.2-3704.

Expedited Processing and Fee Waiver

Considering the public interest in data integrity and fair election practices, I request expedited processing and a fee waiver, as this information will contribute significantly to public knowledge of data-sharing practices and voter roll accuracy under Executive Order 35.

Thank you for your attention to this request. Please acknowledge receipt and inform me if any clarifications are needed. I look forward to a response within the statutory five-business-day timeframe.

Sincerely,

Barry Hamilton

The Ice Machine

[REDACTED]

Williamsburg, VA 23185

[REDACTED]

[REDACTED]



dms004.pdf



Responsive Doc
A_Redacted.pdf

