

Registrar's Decisions: Notification (RDN) 01/2011 New Product: Commercial Driver Abstract (CDA)

Access to Motor Vehicle Information Regulation (AMVIR)

To comply with the requirements of the Access to Motor Vehicle Information Regulation (AMVIR) and to further clarify and manage the disclosure of personal information from Alberta's Motor Vehicle System (MOVES) the Registrar of Motor Vehicle Services ("Registrar") decides:

1. Carrier Due Diligence

In this notification "Carrier" means Carrier as defined in the *Traffic Safety Act* (TSA). To help Carriers comply with traffic safety requirements the Registrar's decision is to **release**, on an ongoing basis a new Type II information product: the *Commercial Driver Abstract* (CDA).

Alberta Transportation (AT) monitors the Carrier industry through a Carrier profile system that assigns points for commercial vehicle collisions incurred by a Carrier, contraventions under the National Safety Code (NSC), and for Commercial Vehicle Safety Alliance (CVSA) inspection results. In addition, AT establishes the Carrier's relative risk (R-Factor) to the traveling public and conducts disciplinary proceedings against Carriers with an unacceptable safety risk profile.

To further improve traffic safety and assist Carriers to comply with traffic safety requirements, the CDA adds information related to commercial driver activity for infractions such as cargo securement, hours of service, trip inspection and other instances of NSC non-compliance in instances where the non-compliance involved a vehicle registered in Alberta and/or the driver held an Alberta Operator License at the time of the event.

The Driver Abstract displays convictions for moving violations, Criminal Code driving convictions, convictions for violations pertaining to drivers failing to report a collision, and administrative enforcement, such as driver's licence suspensions. However, NSC type violations and the results of CVSA compliant inspections are not documented on the Driver Abstract.

To further improve traffic safety and assist Carriers to comply with traffic safety requirements, the CDA adds information related to professional driver activity for infractions such as cargo securement, hours of service, trip inspection and other National Safety Code (NSC) non-compliance, etc.

Developed jointly by Alberta Transportation and Service Alberta, the CDA helps the Carrier industry to assess any safety risk associated with the commercial driver prior to hiring as well as assisting in identifying on-going training and disciplinary needs.

2. Information Content

The Registrar's decision is that the CDA is a Type II information product to be released under s. 5 of AMVIR. For more clarity, the Type II information to be released through the CDA is outlined below and in the Appendix A: *Sample of Commercial Driver Abstract*. The information embedded in the CDA may originate from Alberta or from another jurisdiction in North America.

In Alberta, personal driving and motor vehicle information is collected under the *Freedom of Information and Protection of Privacy Act* (FOIP) for TSA purposes. Information originating in other jurisdictions is released to the Registrar in accordance with national or international arrangements to which Alberta and/or Canada are parties. Once in the office of the Registrar, the information is exempted from the use and disclosure provisions of FOIP and may be released under AMVIR.

The information released through the CDA includes:

Abstract General Information

Issue Date: <Date the CDA was issued: yyyy/mm/dd>
 Description: <Type of CDA: 3 Year Commercial Driver Abstract>
 Requested by - MVID: <MVID of the person requesting the CDA>
 Requested by - NAME: <Full name of the person requesting the CDA>

Driver Personal Information

MVID: <MVID of the driver>
 Name & Mailing Address: <Full name of the driver & Mailing address of the driver>

Current Driving Status

GDL Status: <When applicable, GDL learner eligible exit date: yyyy/mm/dd >
 Current Demerit Points: <Demerit points>
 Suspended: <YES/NO>
 ELIGIBLE REINSTATEMENT DATE: <yyyy/mm/dd>
 Professional Driver Designation: <When applicable: Y>

Outstanding Reinstatement Conditions

Code	Description
<Reinstatement condition code>	<Condition description>

Operator Licence Information

Licence #	Class	Issue Date	Expiry Date	Conditions
<Operator licence #>	<Driver class>	<yyyy/mm/dd>	<yyyy/mm/dd>	<Condition codes>

Merit

Case Number	Description
<Case number>	<Description>

Convictions

Case Number	Description
<Case Number>	<Description>

Suspensions

Case Number	Description
<Case number>	<Description>

Prohibitions

Case Number	Description
<Case number>	<Description>

Conviction Appeals

Case Number	Description
<Case number>	<Description>

Commercial Vehicle Safety Alliance Inspections (CVSA)

Doc. Number	Description
<Document number>	<Description>

Disclaimer:

<Wording of the relevant disclaimers>

3. Release Channel

Registry Agents will access the CDA application by performing a MOVES Service. MOVES will interface to the CDA application by using the Motor Vehicle Identification Number (MVID) or Operator Licence Number.

4. Purposes and Categories of Persons

- A.** The Registrar's decision is to restrict the release of the CDA under s. 5 of AMVIR only for the purposes and to the categories of persons and/or the organizations listed below. A CDA requested under s.5 of AMVIR cannot be released to any other category of person and/or any other organization except as indicated in this RDN.
- B.** A CDA released under a purpose cannot be used for a different purpose than that for which it was released.

5(1)(a) The Registrar, on request, **must** release the CDA of a person to that person.

5(1)(b)(i.2) The Registrar, on request, **may** release the CDA of a person for the 3-year period or a greater period preceding the request as permitted by the Registrar only to an officer or employee of Service Alberta, Alberta Transportation, the Registrar or an agent of the Registrar, if the CDA is necessary for the performance of the duties of the officer, employee, Registrar or agent of the Registrar or if the abstract is necessary for the delivery of a program or service.

5(1)(b)(ii) The Registrar, on request, **may** release a CDA of a person for the 3-year period or a greater period preceding the request as permitted by the Registrar only to a peace officer as defined under s 1(ff) of the *Traffic Safety Act*.

5(1)(b)(iii) The Registrar, on request, **may** release a CDA of a person for the 3-year period or a greater period preceding the request as permitted by the

Registrar, to an employer or prospective employer of that person, for the purpose of determining that person's suitability for employment, if the employer or prospective employer has a written authorization from that person authorizing the CDA to be released to the employer or prospective employer.

5(1)(b)(iv) The Registrar, on request, **may** release the CDA of a person only to a parent or guardian of that person if, under the law, that person requires the signature of that parent or guardian on that person's operator's licence application.

5(1)(b)(v) The Registrar, on request, **may** release the CDA of a person for the 3-year period or a greater period preceding the request as permitted by the Registrar, only to a lawyer of that person if the lawyer has a written authorization from that person authorizing the abstract to be released to that lawyer.

5. Consent requirements

For access under s. 5(1)(b)(iii) and s. 5(1)(b)(v) the consent of the individual to whom the information pertains has:

- to be in writing,
- to be dated and signed by the individual,
- to specify to whom the information may be released,
- to specify what information may be released,
- to specify for what purpose the Recipient may use the information.

6. Transition, Application, and Release Processes

6.1. Transition Process

- The Registrar will review existing AMVIR Agreements for Driver Abstracts under s. 5(1)(b)(iii) of AMVIR;
- All clients having a valid AMVIR Agreement under s 5(1)(b)(iii) will be issued an AMVIR Amending Agreement authorizing the request of CDAs under s 5(1)(b)(iii);
- The Registrar will send the AMVIR Amending Agreement to the client by fax or mail;
- The client will be required to execute the AMVIR Amending Agreement, update the contact information, and return the executed AMVIR Amending Agreement before a specific date indicated by the Registrar;
- The Registrar will confirm the receipt of the AMVIR Amending Agreement in writing and will make the required changes on Registrar's system to permit the client to request CDAs after a specific date to be announced.

6.2. Application Process

- Existing clients having a valid AMVIR Agreement under s. 5(1)(b)(iii) that do not return the executed AMVIR Amending Agreement before the

- required date will need to apply for the CDA product using the standard application process;
- New clients requiring CDAs under s. 5(1)(b)(iii) will have to apply for the new product using the standard application process;
 - Clients that require CDAs under any other purpose must specifically apply for access using the standard application process;

6.3. Release Process

- To facilitate the release of the new product, the Registrar will publish new forms 30 days before the CDA is made available through Alberta registry agents;
- Initially, the Registrar will release 3-Year printed CDAs only;
- At a later date, to be announced on the Registrar's website, the Registrar may release 5-Year and 10-Year printed CDAs;
- The Registrar will monitor and will audit the new product.

7. Notification and Review Process

In accordance with section 4 of AMVIR, on request by a person/organization the Registrar's decision is to release, on an ongoing basis, the information specified in this Notification.

This Notification was released on April 04, 2011. Any person may, within sixty days after the date of this publication, ask the Information and Privacy Commissioner to review the decision of the Registrar in accordance with Part 5, Division 1.1 of the *Freedom of Information and the Protection of Privacy Act*.

On the issuance of this Notification, in accordance with subsection 4(1) of AMVIR, notice is deemed to have been given for the current and any future releases of the category of information and of the person or category of persons to whom the information is released as described in the Notification, for the purposes of notice under Part 5, Division 1.1 of the *Freedom of Information and Protection of Privacy Act*.

Appendix A: Sample of Commercial Driver Abstract.

The attached sample has been prepared for a fictitious non-GDL driver without professional driver designation. The labels and the information for the 'GDL Status' and the 'Professional Driver Designation' fields are printed only when applicable.



Commercial Driver Abstract

MVID: 0003-43962 Name: MV05350 VICTOR

Abstract General Information

Issue Date: 2010/08/06
Description: 3 Year Commercial Driver Abstract
Requested by - MVID: 0003-43962
Requested by - NAME: MV05350 VICTOR

Driver Personal Information

MVID: 0003-43962
Name & Mailing Address: MV05350 VICTOR
123 - 45 STREET
CAMROSE AB

Current Driving Status

Current Demerit Points: 3
Suspended: YES
ELIGIBLE REINSTATEMENT DATE: 2011/12/01

Outstanding Reinstatement Conditions

Table with 2 columns: Code, Description. Rows include: 4 PROVIDE PROOF THAT JUDGEMENT HAS BEEN SATISFIED, 21 ATSB HEARING (EDM:780 427-7178/CAL:403 297-3466), 10 COMPLETE PLANNING AHEAD COURSE, 13 REINSTATEMENT FEE, 6 COMPLETE A DRIVER EXAMINATION, 14 REINSTATEMENT FEE

Operator Licence Information

Table with 5 columns: Licence #, Class, Issue Date, Expiry Date, Conditions. Row: 134632-991, 2, 2010/06/16, 2013/02/21

Merit

Case Number MVD000044106
Description Merit Points: -3
Merit Item ID: MERIT
Description 1: MERIT COURSE
Description 2: Testing Second Desc Line
Merit Training School: Canada Safety Council DDC
Start Date: 2009/12/28

Convictions

Commercial Driver Abstract
Continued

MVID: 0003-43962 Name: MV05350 VICTOR

Case Number	Description
MVD000044103	Conviction Date: 2005/06/01 Charge Item ID: CCC253(B)C Offence Date: 2005/01/01 Description: BLOOD ALCOHOL EXCEEDS .08 CARE AND CONTROL Demerit Points: 0
J100701747P101002	Conviction Date: 2006/05/15 Charge Item ID: CCC259(4) Offence Date: 2006/05/04 Description: DRIVING WHILE DISQUALIFIED Demerit Points: 0
MVD000044104	Conviction Date: 2007/09/01 Charge Item ID: TSA115(2)(R) Offence Date: 2007/01/01 Description: EXCEED SPEED LIMIT FOR ESTABLISHED TIME PERIOD Demerit Points: 0
MVD000044105	Conviction Date: 2008/09/01 Charge Item ID: TSA115(2)(T) Offence Date: 2008/01/01 Description: SPEEDING, PASSING EMERGENCY VEHICLE WITH LIGHTS FLASHING Demerit Points: 6
JA08851581K	Conviction Date: 2009/04/01 Charge Item ID: TSA115(2)(B) Offence Date: 2009/01/02 Description: CARELESS DRIVING Demerit Points: 0
A998877	Conviction Date: 2010/02/02 Source Document Type: TVT Agency: AB INFRASTRUCTURE - INSPECTION SERVICES - RED DEER Agency Code: AIRD Conviction Location: Red Deer Operator: 134632-991 Docket #: A998877 Offence Date: 2010/01/01 Plate #: 123456 Plate Jurisdiction: AB Violation Type: TSA131(1)(H) Description: OPERATE COMMERCIAL VEHICLE WHEN WEIGHT EXCEEDS MAXIMUM WEIGHT ON PERMIT
BCA787878	Conviction Date: 2010/04/01 Source Document Type: OPC Conviction Location: Vernon Operator: 134632-991 Docket #: A787878

Commercial Driver Abstract
Continued

MVID: 0003-43962 Name: MV05350 VICTOR

123123123
Offence Date: 2010/03/03
Plate #: 123456
Plate Jurisdiction: AB
Violation Type: 00405
Description: FAIL TO KEEP LOGS/DOCS
Conviction Date: 2010/04/01
Source Document Type: NLF
Agency: SASKATCHEWAN HIGHWAYS AND TRANSPORTATION
Agency Code: SKHT
Conviction Location: Red Deer
Operator: 134632-991
Docket #: 123123123
Offence Date: 2010/03/01
Plate #: 123456
Plate Jurisdiction: AB
Violation Type: SOR/01-2864.9
Description: FAIL TO REMOVE SAFETY MARKS AFTER
UNPACKING/UNLOADING/CLEANING/PURGING THE MEANS
123789789
Conviction Date: 2010/04/01
Source Document Type: NLF
Agency: SASKATCHEWAN HIGHWAYS AND TRANSPORTATION
Agency Code: SKHT
Conviction Location: Red Deer
Operator: 134632-991
Docket #: 123789789
Offence Date: 2010/03/01
Plate #: 123456
Plate Jurisdiction: AB
Violation Type: TSA61(2)(A)
Description: MUTILATE/DEFACE/ALTER/FALSIFY A DOCUMENT
JA11390621Z
Conviction Date: 2010/06/04
Charge Item ID: TSA167(1)(C)
Offence Date: 2010/06/01
Description: FAIL TO PRODUCE INSURANCE CARD
Demerit Points: 0

Suspensions

Case Number	Description
	Relevant Conviction Case #: MVD000044103
	Start Date: 2005/06/01
	End Date: 2006/05/31
	Demerit Points: 0
	Description: ALCOHOL SUSPENSION EXCEEDS .08 CARE AND CONTROL SUSPENSION STILL ACTIVE
	Period: 1 YEAR

Commercial Driver Abstract
Continued

MVID: 0003-43962 Name: MV05350 VICTOR

MVD000044107 Start Date: 2009/03/01
Demerit Points: 0
Description: LEGAL JUDGEMENT SUSPENSION
SUSPENSION STILL ACTIVE
Period: IN-DEFINITE
Relevant Conviction Case #: JA08851581K
Start Date: 2009/04/01
End Date: 2009/04/25
Demerit Points: 0
Description: COURT ORDERED SUSPENSION
SUSPENSION STILL ACTIVE
Period: 25 DAYS
Relevant Conviction Case #: J100701747P101002
Start Date: 2010/06/01
End Date: 2011/11/30
Demerit Points: 0
Description: DRIVING WHILE DISQUALIFIED
SUSPENSION STILL ACTIVE
Period: 18 MONTHS

Prohibitions

Case Number	Description
	Relevant Conviction Case#: MVD000044103 Start Date: 2005/06/01 End Date: 2010/05/31 Description: COURT ORDERED PROHIBITION Period: 5 YEARS Reinstated At Midnight: 2010/05/31 Relevant Conviction Case#: J100701747P101002 Start Date: 2006/05/15 End Date: 2007/11/14 Description: COURT ORDERED PROHIBITION Period: 18 MONTHS Reinstated At Midnight: 2007/11/14

Conviction Appeals

Case Number	Description
JA02574456E	Relevant Case #: MVD000044105 RESULT CASE NUMBER: JA05311736Y Start Date: 2009/01/05 End Date: 2009/09/30 Result: UPHELD

Conviction Appeal Continuation

Commercial Driver Abstract
Continued

MVID: 0003-43962 Name: MV05350 VICTOR

Case Number Description
Relevant Conviction Case #: MVD000044105
Start Date: 2009/10/01
End Date: 2011/05/27

Commercial Vehicle Safety Alliance Inspection (CVSA)

Doc. Number Description
HI1 Inspection Date: 2009/10/31
Operator ID: 134632-991
Document Type: CVR
Jurisdiction: AB
Location: 1 & Banff East Gates
Agency Code: AISE
Agency: AB INFRASTRUCTURE - INSPECTION SERVICES - STETTLER
Level: 2 - Walk-Around Driver/Vehicle Inspection
Result: PAS Description: Passed

787878 Inspection Date: 2010/03/03
Operator ID: 134632-991
Document Type: OPI
Jurisdiction: BC
Location: 10 & 56
Level: 1 - North American Standard Inspection
Result: RAT Description: Requires Attention
Category/Description
(X): REQUIRES ATTENTION (RAT) (O): OUT OF SERVICE (OOS)
Vehicle Number: 1
Plate Number: 123456 Jurisdiction: AB
Vehicle Make: GMB Year: 2002
VIN: 456456
Defect Info:
5 - Coupling Devices - (X)

AB998877 Inspection Date: 2010/01/01
Operator ID: 134632-991
Document Type: CVR
Jurisdiction: AB
Location: 13 & 21
Agency Code: AIRD
Agency: AB INFRASTRUCTURE - INSPECTION SERVICES - RED DEER
Level: 1 - North American Standard Inspection
Result: OOS Description: Out of Service

**Commercial Driver Abstract
Continued**

MVID: 0003-43962 Name: MV05350 VICTOR

Category/Description

(X): REQUIRES ATTENTION (RAT) (O): OUT OF SERVICE (OOS)

Vehicle Number: 1

Plate Number: 123456 Jurisdiction: AB

Defect Info:

11 - Steering Mechanisms - (O)

Disclaimer:

Events listed in this document do not include convictions from non compliance to non moving commercial vehicle requirements for driver's hours of service, cargo securement, mechanical fitness and weight/dimension rules and CVSA inspections acquired if the driver held a license from another jurisdiction or operated a vehicle licensed in another jurisdiction on the date of the event.

End of Report

Page 6 of 6

2010/08/06