

**Attestation of the Orange
County Comptroller's Office
Use of the Florida DHSMV's
DAVE Database**

**Report by the
Office of County Comptroller**

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May 28, 2013

Martha O. Haynie, Orange County Comptroller

We have conducted an attestation of the Comptroller's Office's use of the Florida Department of Highway Safety and Motor Vehicles' (DHSMV) Driver and Vehicle Express (DAVE) database. The period examined was January 1, 2012 through December 31, 2012. The attestation was limited to an examination of the internal controls to protect the personal data obtained from the DAVE database from unauthorized access, distribution, use, modification, or disclosure. The requirements for safeguarding personal information obtained from the DAVE database are specified in the Memorandum of Understanding (MOU) between the Comptroller's Office and the DHSMV dated January 29, 2010.

We conducted this attestation in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the attestation to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our objectives.

Responses to our Recommendations for Improvement were received from the Chief Deputy Comptroller and are incorporated herein.

We appreciate the cooperation of the personnel of the Finance and Accounting Department during the course of our work.

J. Carl Smith, CPA
Director of County Audit

c: Orange County Board of County Commissioners
Jim Moye, Chief Deputy Comptroller
Paul Wunderlich, Director, Finance and Accounting Department, Orange County
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EXECUTIVE SUMMARY

Executive Summary

We have conducted an attestation of the Comptroller's Office's use of the Florida Department of Highway Safety and Motor Vehicles' (DHSMV) Driver and Vehicle Express (DAVE) database. The scope of the attestation was limited to an examination of the internal controls to protect the personal data obtained from the DAVE database from unauthorized access, distribution, use, modification, or disclosure. The requirements for safeguarding personal information obtained from the DAVE database are specified in the Memorandum of Understanding (MOU) between the Comptroller's Office and the DHSMV dated January 29, 2010. The period examined was January 1, 2012 through December 31, 2012.

Management is responsible for compliance and internal controls related to the MOU. Our objective of this attestation was to determine whether internal controls are adequate to protect the personal data obtained from the DAVE database from unauthorized access, distribution, use, modification, or disclosure. Our examination does not provide a legal determination on the Comptroller's Office compliance with MOU requirements.

In our opinion, controls to protect the personal data obtained from the DAVE database from unauthorized access, distribution, use, modification, or disclosure are adequate. However, from our testing we did find a very limited number of instances where the DAVE database was used for purposes not specifically authorized by the Memorandum of Understanding with the DHSMV. Specifically, we noted the following:

We noted three search criteria where the DAVE database was used for a purpose not specifically authorized by the MOU.

The Finance Department had not been conducting quarterly quality reviews to ensure all current users are appropriately authorized as required in the MOU.

The Finance Department had not been maintaining confidentiality and criminal acknowledgments as required in the MOU.

Management concurred with all of the Recommendations for Improvement and steps to implement the recommendations are underway or have been completed. Responses to each of the Recommendations for Improvement are included herein.

ACTION PLAN

**ATTESTATION OF THE ORANGE COUNTY COMPTROLLER'S OFFICE
USE OF THE FLORIDA DHSMV'S DAVE DATABASE
ACTION PLAN**

NO.	RECOMMENDATIONS	MANAGEMENT RESPONSE			IMPLEMENTATION STATUS	
		CONCUR	PARTIALLY CONCUR	DO NOT CONCUR	UNDERWAY	PLANNED
1.	We recommend the Finance Department periodically reminds authorized users that the DAVE database is only to be used for purposes specifically authorized by the MOU. In addition, consideration should be given to removing User 4 as an authorized user as there does not appear to be a business need for access to DAVE. We further recommend the Finance Department review Section VI, Part B, of the MOU and evaluate whether the DHSMV and/or the affected individuals need to be notified of the unauthorized use of the DAVE database.	✓			✓	
2.	We recommend the Finance Department continues to perform the quarterly quality reviews as required by the MOU to ensure only authorized users have access to the DAVE database.	✓			Completed	
3.	We recommend the Finance Department requires authorized users of the DAVE database to sign confidentiality and criminal acknowledgements on an annual basis.	✓			Completed	

INTRODUCTION



Background

The Orange County Comptroller's Office Finance and Accounting Department (Finance Department) is responsible for the collection of parking fines issued by the Orange County Sheriff's Office. The Finance Department uses the Florida Department of Highway Safety and Motor Vehicles' (DHSMV) Driver and Vehicle Express (DAVE) database to obtain vehicle owner and address information needed to process notices of summons and failure to comply notices to violators.

The DAVE database contains driver license (driver history, driver information, insurance); motor vehicle; (vehicle owner, co-owner, title information, lien holders, make/model, previous vehicles), and traffic crash information. Government agencies must have a Memorandum of Understanding (MOU) with the DHSMV to gain access to the information contained in DAVE. The MOU establishes the purposes for and conditions of electronic access to the DAVE database. Section V, of the MOU, entitled Safeguarding Information, states, "Any person who willfully and knowingly violates any of the provisions of this section is guilty of a misdemeanor of the first degree punishable as provided in sections 119.10 and 775.083, Florida Statutes. In addition, any person who knowingly discloses any information in violation of DPPA [Driver's Privacy Protection Act] may be subject to criminal sanctions and civil liability."

The Comptroller's Office entered into an MOU with the DHSMV on January 29, 2010 for the use of the DAVE database. The Comptroller's Office currently has four employees within the Finance Department that are authorized to access the DAVE database. For these users, access to DAVE is restricted by DHSMV access controls to conducting searches based on tag number, vehicle identification number, vessel number, or title number.

In November 2012, the Comptroller's Office was notified that they were randomly selected to submit an attestation to the DHSMV. According to Section VI, Part A, of the MOU, the attestation must indicate the internal controls over personal data have been evaluated and are adequate to protect

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personal data from unauthorized access, distribution, use, modification, or disclosure. The guidance provided with the attestation notification indicates the conditions outlined in Section IV, Part B, and Section V, of the MOU should be evaluated. The guidance also indicates the review for misuse should include running an audit report for a randomly selected week for 10 users (or all users if you have less than 10). Our scope and methodology exceeded this guidance as noted below.

Scope, Objectives, and Methodology

The scope of the attestation was limited to the requirements specified in the Memorandum of Understanding (MOU) with the DHSMV for safeguarding personal information obtained from the DAVE database. The period examined was January 1, 2012 through December 31, 2012.

Management is responsible for compliance and internal controls related to the MOU. Our objective of this attestation was to determine whether internal controls are adequate to protect the personal data obtained from the DAVE database from unauthorized access, distribution, use, modification, or disclosure. Our examination does not provide a legal determination on the Comptroller's Office compliance with MOU requirements.

To achieve our objective, we performed the following:

We obtained lists of authorized users for the Comptroller's Office from the DHSMV as well as from the Finance Department. We reviewed the lists to verify only employees with a current business need were authorized to access the DAVE database. We reviewed the Finance Department's policies and practices for periodically reviewing user authorization and requested copies of the quarterly quality reviews performed during the audit period.

We interviewed authorized users to assess their understanding of the confidential nature of the data obtained from the DAVE database as well as the criminal sanctions that are specified in state law for unauthorized use of the

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data. We obtained copies of signed confidentiality and criminal acknowledgements for authorized users and verified whether they are maintained in a current status.

Through interviews and review of applicable documentation, we verified whether data obtained from the DAVE database is not distributed or disclosed to anyone other than personnel with business need to use the data.

Through interviews, review of applicable documentation, and direct observation; we verified whether information exchanged by electronic means is stored in a physically secure location and access to the information exchanged is protected to prevent unauthorized persons from reviewing or retrieving the information. This included verifying user access permissions are updated upon employee terminations and reassignments; as well as verifying access to internal databases that store data obtained from DAVE is restricted to authorized personnel. We also confirmed the Finance Department has locking cabinets for storing printed material resulting from searches in the DAVE database.

We obtained a report from the DHSMV of all searches performed with the DAVE database by the reported users during the 2012 calendar year. We also obtained a report of all parking ticket data entered during the same period from the Parking Ticket System used by the Finance Department. To verify the DAVE searches were for a business purpose, we compared the data searched in the DAVE database to the data contained in the Parking Ticket System. For a sample of the searches not found in the Parking Ticket System, additional research was conducted to determine whether the searches were conducted for a business purpose.

Overall Evaluation

In our opinion, controls to protect the personal data obtained from the DAVE database from unauthorized access, distribution, use, modification, or disclosure are adequate. However, from our testing we did find a very limited number of instances where the DAVE database was used for

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purposes not specifically authorized by the Memorandum of Understanding with the DHSMV.

Opportunities for improvement are described herein.

RECOMMENDATIONS FOR IMPROVEMENT



1. Information Obtained from the DAVE Database Should Only Be Used for Purposes Specifically Authorized by the MOU

During our review of the Orange County Comptroller's Finance and Accounting Department's (Finance Department) use of the DAVE database we noted three search criteria where the DAVE database was used for a purpose not specifically authorized by the MOU. One user conducted a search based on their own vehicle tag number and a second user conducted a search based on their vehicle identification number and two searches based on their spouse's tag number. According to Section V, Part A, of the MOU, unauthorized use includes, but is not limited to, queries not related to a legitimate business purpose, personal use, and the dissemination, sharing, copying or passing of information to unauthorized persons.

As noted in the Scope, Objectives and Methodology section, we compared the data searched in the DAVE database to the data contained in the Parking Ticket System. For the period reviewed a total of 6,471 searches were conducted in the DAVE database. As a result of the data comparison, we were able to reconcile 5,525 (85 percent) of the DAVE searches to the parking system data. The following table shows the number of searches performed by each user:

User	Total Searches	Reconciled Searches	Remaining Searches	Percent Reconciled
User 1	4,088	3,485	603	85%
User 2	2,343	2,031	312	87%
User 3	38	9	29	24%
User 4	2	0	2	0%
Totals	6,471	5,525	946	85%

We selected a judgmental sample of 173 of the 946 DAVE searches that were not found in the parking ticket system. The items in our sample were researched using a public records inquiry tool. As a result of this research, we were able to trace an additional 74 DAVE searches to legitimate parking ticket inquiries or found the criteria searched for was

RECOMMENDATIONS FOR IMPROVEMENT



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not a useable tag number or VIN. The remaining 99 searches were analyzed for possible improper use of the DAVE database. Based on our analysis, we determined three of the 99 searches were for non-business purposes. For the remaining 96 searches we not find any apparent personal or other non-business purpose; however, we could not conclude the searches were related to the purposes authorized by the MOU.

In addition to researching the above items in our sample, we conducted further testing to determine whether there were other instances of improper use of the DAVE database. The reports we obtained from the DHSMV of the searches performed also contain data the users accessed within their searches. For the Finance Department this included driver's license numbers. Using our public records inquiry tool we researched all driver's license that began with the same letter as the users' last names. No additional instances of improper use were detected.

The MOU establishes the purposes for and conditions of electronic access to DAVE database. One of the conditions is the database is only to be used for purposes specifically authorized in the agreement.

We Recommend the Finance Department periodically reminds authorized users that the DAVE database is only to be used for purposes specifically authorized by the MOU. In addition, consideration should be given to removing User 4 as an authorized user as there does not appear to be a business need for access to DAVE. We further recommend the Finance Department review Section VI, Part B of the MOU and evaluate whether the DHSMV and/or the affected individuals need to be notified of the unauthorized use of the DAVE database.

Management's Response:

Concur. We will amend our written procedures to periodically remind authorized users via written certifications and instructional sessions that the DAVE database is only to

be used for purposes specifically authorized by the MOU. We previously had all authorized users sign the certification acknowledging that they have read, understood and agreed to follow the MOU. This has been done, together with an informational instruction session involving all authorized users and their supervisor, and this will continue to be an annual event with an annual recertification.

We will consider removing User 4 as an authorized user, but only if doing so allows her to continue as the contact and initiator of authorized users. We will explore this capability with the DHSMV.

We have reviewed Section VI. Part B. of the MOU and will consider this audit report as notifying the DHSMV of those findings. That Section requires notification of compromised information. The three lookups mentioned in the audit finding were authorized users looking up their own personal vehicle information. Therefore, we don't consider this information to be compromised.

2. Quarterly Quality Reviews of User Access Should Be Performed as Specified in the MOU

The Finance Department had not been conducting quarterly quality reviews to ensure all current users are appropriately authorized. Section IV, Part B, 9, of the MOU requires the Requesting Party (Comptroller's Office) to conduct quarterly quality control reviews to ensure all users are appropriately authorized. The quarterly review involves obtaining a list of authorized users from the DHSMV and verifying that access is appropriate based on current employees and job duties performed. The primary purpose is to ensure access to the DAVE database is removed for terminated employees.

As part of our review we obtained a list of authorized users for the Comptroller's Office from the DHSMV. The list obtained from DHSMV did not contain any terminated or otherwise unauthorized individuals. It should also be noted

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that the Finance Department began to perform the quarterly quality reviews in February, 2013.

We Recommend the Finance Department continues to perform the quarterly quality reviews as required by the MOU to ensure only authorized users have access to the DAVE database.

Management's Response:

Concur. Our written procedure calls for a quarterly quality control review and we have been performing those reviews.

3. Acknowledgements Should Be Maintained in a Current Status as Specified in the MOU

The Finance Department had not been maintaining confidentiality and criminal acknowledgments in a current status. Section V, Part D, & E, of the MOU specifies the Parties (DHSMV and Comptroller's Office) mutually agree that all personnel with access to the information exchanged under the terms of the MOU will be instructed of, and acknowledge their understanding of, the confidential nature of the information and of the criminal sanctions specified in state law for unauthorized use of the data. These acknowledgements must be maintained in a current status by the Requesting Party (Comptroller's Office).

As part of our review, we interviewed the four authorized users in the Finance Department and found that all four users were aware of the confidential nature of the information and of the criminal sanctions specified in state law for unauthorized use of the data. However, prior to February, 2013, the authorized users had not been required to formally acknowledge their understanding in writing.

We Recommend the Finance Department requires authorized users of the DAVE database to sign confidentiality and criminal acknowledgements on an annual basis.

**RECOMMENDATIONS
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Management's Response:

Concur. Our certification, mentioned in Item 1, also contains a confidentiality and criminal acknowledgement. We will continue to obtain these certifications on an annual basis.