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**Driver and Vehicle Information Database
Memorandum of Understanding
Audit Report 2015-A-0001**

SUMMARY

What We Did

We audited the Memorandum of Understanding (MOU), dated December 28, 2012, between the Florida Department of Highway Safety and Motor Vehicles and the Martin County Clerk of the Circuit Court & Comptroller (“County Clerk & Comptroller”). Our audit procedures included sampling over 800 Driver and Vehicle Information Database (DAVID) system records accessed by ten County Clerk & Comptroller staff members between January 1, 2014 and December 31, 2014.

What We Found

We determined that the internal controls over DAVID records are adequate and protect personal data from unauthorized access, distribution, use, modification and/or disclosure; however, internal controls could be improved by establishing a written policy/procedure addressing access to the DAVID system.

We also determined that the County Clerk & Comptroller did not update **all** user access permission within five working days of termination or reassignment; however, **no evidence** was uncovered demonstrating that unauthorized access, distribution, use, modification or disclosure of personal data occurred.

What We Recommend

We issued six recommendations that, if implemented, will enhance the County Clerk & Comptroller’s internal controls over personal information provided by the DAVID system. The first two recommendations address the need for a written policy/procedure for using the DAVID system. Recommendations three through six address County Clerk & Comptroller’s staff access to the DAVID system.

Specifically, we recommend that the County Clerk & Comptroller establish (1) a written policy/procedure for using the DAVID system, which includes (2) implementing a tracking system for personal data that cannot be easily sourced to a legitimate (court) purpose.

Moreover, we recommend that the County Clerk & Comptroller (3) ensure that DAVID system access rights are timely updated upon separation or reassignment of staff; (4) review DAVID system access rights and ensure that it is restricted to the minimum number of users required for operational functionality; (5) review DAVID system access rights and determine if access by users with little or no activity is necessary; and, (6) review DAVID system access rights and, if appropriate, terminate the

access of users who have not completed the mandatory training/testing.

The County Clerk and Comptroller's complete response is included as Attachment A.

In its response to this report, the County Clerk & Comptroller **agrees** with the six recommendations made in this report.

BACKGROUND

The Florida Constitution established the clerk of the circuit court as the local constitutional officer who serves as the public trustee for the county. In addition to serving as the clerk to the courts, the clerk provides a county level system of checks and balances through services as the county comptroller, clerk to the board of county commissioners, guardian of public and official records, clerk to the value adjustment board and internal auditor of county funds.



Internal audit activity is established as a responsibility of the County Clerk & Comptroller by Florida Constitution Article VIII, §1, cl.(d) as the "ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds." The audit activity is administered on the Martin County government organizations of the County Clerk & Comptroller and its functional divisions, and the Martin County Board of County Commissioners and its functional division as enumerated in the State Constitution, State Statutes and decisions and opinions of the State judiciary.

The County Clerk & Comptroller entered into a MOU with the Florida Department of Highway Safety and Motor Vehicles for personal data from the DAVID system. The DAVID system permits authorized users to retrieve driver information such as driver license number, status, address, motor vehicle history, vehicle model and license plate/marine vessel number. The County Clerk & Comptroller uses the DAVID system for an array of records related to carrying out its government functions, including but not limited to, verifying tag and driver license numbers, verifying names associated with parking tickets and verifying addresses for court related correspondence.

The County Clerk & Comptroller is responsible for establishing and maintaining an effective system of internal control. An internal control system is designed to provide reasonable, but not absolute, assurance of achieving effective and efficient operations, safeguarding of assets or compliance with applicable laws and regulations.

OBJECTIVES, SCOPE AND METHODOLOGY

The County Clerk & Comptroller is responsible for having adequate internal controls over personal data received from DAVID that protects it from “unauthorized access, distribution, use, modification, or disclosure.” The objectives of this audit are to determine if:

1. DAVID system information is being handled in accordance with Chapter 119, Florida Statutes and the Driver’s Privacy Protection Act.
2. DAVID system authorization is being adequately managed.
3. Adequate physical security exists to ensure that confidential DAVID system information is not disclosed to, or accessed by, unauthorized parties.



We selected DAVID system records that were accessed by County Clerk & Comptroller staff between the period of January 1, 2014 and December 31, 2014. The total number of DAVID system records reviewed was 809 from ten authorized users. Audit procedures included, but were not limited to:

- Evaluating the internal control procedures over access, distribution, use, modification and disclosure of DAVID system records;
- Evaluating compliance with applicable policies, procedures and practices;
- Interviewing County Clerk & Comptroller management and staff to gain a better understanding of the controls and to ascertain operational compliance; and,
- Selecting active, and inactive, authorized users of the DAVID system to ensure that personal data was not subject to unauthorized access, distribution, use, modification or disclosure.

The audit was planned and performed to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon the audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

FINDINGS AND RECOMMENDATIONS**Finding (1)**

The Martin County Clerk of the Circuit Court & Comptroller does not have a written policy/procedure for using the Driver and Vehicle Information Database.

AUDIT REVIEW:

Internal Audit was informed by County Clerk & Comptroller staff that it does not have a written policy/procedure for using the DAVID system.

Established written procedures provide detailed, specific direction to personnel to ensure clarity, consistency and quality control. Procedures generally include, but are not limited to, staff roles and responsibilities, contract correspondence, reports detailing monitoring efforts, documentation of contract administration actions and decisions, contract completion actives, guidance on handling contract disputes and professional development of staff.

Recommendations:

1. The County Clerk & Comptroller should establish a written policy/procedure for using the DAVID system. The policy/procedure should include practices that reduce the risk of unauthorized access, distribution use, modification and/or disclosure of personal data.
2. The County Clerk & Comptroller should implement a tracking system for DAVID system records that are accessed but cannot easily be sourced to a legitimate (court) purpose.

Management Response:

Management acknowledges that it does not have a policy/procedure for using the DAVID system and agrees with the recommendation to establish a written policy/procedure. Additionally, management acknowledges that it does not have a system to track the legitimate (court) purpose for records searches.

Finding (2)

The Martin County Clerk of the Circuit Court & Comptroller did not timely update user access rights to the Driver and Vehicle Information Database.

The MOU requires that the County Clerk & Comptroller “[u]pdate user access permissions upon termination or reassignment of users within 5 working days and immediately update user access permission upon discovery of negligent, improper, or unauthorized use or

dissemination of information. Conduct quarterly quality control reviews to ensure all current users are appropriately authorized.”¹

AUDIT REVIEW:

The County Clerk & Comptroller has implemented a documented procedure to ensure that separated employees do not maintain access to its facilities and programs. The procedure includes County Clerk & Comptroller staff completing a “termination checklist” that includes, but is not limited to, ensuring that a separated employee has returned their electronic access badge and, if applicable, keys to facilities, offices and file cabinets. The “termination checklist” also prompts County Clerk & Comptroller staff to notify the “Clerk and/or Board Information Services . . . to remove all computer, email and phone access.”

During the audit period four employees separated from the County Clerk & Comptroller and according to the MOU their access to the DAVID system must be removed within “5 working days.” Our review identified three employees where the County Clerk & Comptroller did not terminate access within “5 working days:”

Employee Identification Number	Separation Date	Projected Termination Date	Actual Termination Date
99000104	May 2, 2014	May 9, 2014	January 14, 2015
00034659	December 19, 2014	December 30, 2014	January 14, 2015
00034015	June 27, 2014	July 7, 2014	July 23, 2014

Although County Clerk & Comptroller staff did not terminate DAVID system access within the required timeframe, we did not uncover any evidence demonstrating that the DAVID system was accessed after separation. Moreover, even though Employee Identification Number 99000104 completed the required DAVID system training/testing, the employee did not access any DAVID system records while employed by the County Clerk & Comptroller.

Additionally, we identified the following six current staff members with DAVID system access rights that did not complete the mandatory DAVID training/testing:

Employee Identification Number	Access Rights Date
00036028	November 7, 2014
00035459	July 7, 2014
00031168	January 9, 2014
00012164	January 3, 2014
00034406	January 3, 2014
99000102	January 3, 2014

¹ Memorandum of Understanding, dated December 28, 2012, section IV., titled “Statement of Work,” subsection B., titled “The Requesting Party agrees to;” paragraph 9.

Because these users have not completed the mandatory DAVID training/testing, the County Clerk & Comptroller should reevaluate their system access.

Recommendations:

3. The County Clerk & Comptroller should ensure that DAVID system access rights are timely updated upon separation or reassignment of staff.
4. The County Clerk & Comptroller should review DAVID system access rights and ensure that it is restricted to the minimum number of users needed for operational functionality.
5. The County Clerk & Comptroller should review DAVID system access rights and determine if access by users with little or no activity is necessary.
6. The County Clerk & Comptroller should review DAVID system access rights and, if appropriate, terminate the access of users who have not completed the mandatory training/testing.

Management Response:

Management acknowledges that it did not timely update user access rights to the DAVID system. As noted in the audit, management has a procedure in place to terminate user permissions immediately upon separation. Although the procedure is in place, management does not have a procedure to ensure the updates are completed in a timely manner.

ACKNOWLEDGEMENT

Internal Audit staff would like to extend our appreciation to the Martin County Clerk of Circuit Court and Comptroller staff for the cooperation and courtesies extended to us in the completion of this audit.

ATTACHMENT - A



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To: Hank Nagel, Internal Auditor
From: Helen Townsend, Chief Deputy of Court Services
Cheri Vancura, Chief Deputy of Operation *not not*
Date: April 20, 2015
Re: Management Response to Driver and Vehicle Information Database
Memorandum of Understanding
Audit Report: 2015-A-0001

The following are the coordinated management responses for each finding of the above-referenced audit report. The response includes an acknowledgement of each finding and action steps and timeframe, as required.

Finding Number 1**Agency Response**

Management acknowledges that it does not have a policy/procedure for using the DAVID system and agrees with the recommendation to establish a written policy/procedure. Additionally, management acknowledges that it does not have a system to track the legitimate (court) purpose for records searches.

Action Steps and Timeframe

In response to Recommendation Number 1, management has directed staff to commence writing a policy/procedure for using the DAVID system.

In response to Recommendation Number 2, immediately upon notification of this deficiency, management implemented a written tracking system for each user. The tracking system also includes periodic and systematic management and supervisor review.

Finding Number 2**Agency Response:**

Management acknowledges that it did not timely update user access rights to the DAVID system. As noted in the audit, management has a procedure in place to terminate user permissions immediately upon separation. Although the procedure is in place, management does not have a procedure to ensure the updates are completed in a timely manner.

Action Steps and Timeframe:

In response to Recommendation Number 3, management will implement a policy/procedure requiring confirmation that access has been terminated within the 5 working day timeframe required by the Memorandum of Understanding.

In response to Recommendation Numbers 4, 5, and 6, management has reviewed all DAVID system user access rights and made the necessary adjustments to restrict usage to the minimum number of users needed for operational functionality. This review included terminating access to 14 users that exhibited little to no activity or did not complete their training. Additionally, management will implement a new policy/procedure for initializing access for new users.