Executive Summary

The Driver and Vehicle Information Database (DAVID) is a Department of Highway Safety and Motor Vehicles (Department)-owned, multifaceted database that provides accurate, concise, and up-to-date driver and motor vehicle information to law enforcement, criminal justice officials, and other state agencies. As outlined in Section 119.0712, Florida Statutes (F.S.), to maintain the integrity of this information, the records are accorded proper management and security, and only accessed and used by authorized personnel in accordance with state and federal law.

All data contained within the DAVID system is sensitive and protected under the Driver Privacy Protection Act (DPPA) and must be handled accordingly. Therefore, activity associated with any aspect of the DAVID system is subject to detailed monitoring and audits to protect against improper or unauthorized use.

The objective of this audit was to review the efficiency and effectiveness of the Department’s internal and external DAVID audits and compliance with applicable laws, Department policy, and procedure.

To ensure misuse has not occurred by individuals with DAVID access, each internal Point of Contact (POC), including Tax Collector Offices (TCO), are required to submit Quarterly Quality Control Review Reports to the Division of Motorist Services’ Bureau of Records (BOR) Data Listing Unit. Our review of Quarterly Quality Control Review Reports submitted to the BOR for the period of January 2017 - April 2018 determined division/bureau POCs are not submitting Quarterly Quality Control Review Reports as required.

Our audit determined oversight for Department DAVID use should be improved and recommended the BOR establish a process to ensure divisions/bureaus are monitoring internal DAVID use, implement a tracking mechanism to ensure all Quarterly Quality Control Review Reports are received, and provide ongoing guidance and training to internal POC clarifying their responsibilities related to completing and submitting Quarterly Quality Control Review Reports.

Current DAVID audit procedures require a signed Memorandum of Understanding (MOU) between the Department and an external agency before an agency obtains access to DAVID information. While comparing MOU information obtained from the Electronic Repository of Executed Contracts (EREC) system, the external POC list maintained by the BOR, and queries containing DAVID information received from BOR,
OIG staff determined the external POC list was not current and contained 55 TCO (who are considered internal members), at least four MOUs that were expired or terminated, and did not include 13 agencies with current MOUs. OIG staff also noted that it was difficult to correlate agency names on the MOU list to agency names on the POC list due to the different naming conventions.

Our audit determined ensuring the accuracy of data would improve Department oversight of DAVID information and recommended the BOR coordinate with the Bureau of Purchasing and Contracts to periodically confirm the accuracy of data listed in EREC and use the same naming conventions in EREC and on the POC list to easily identify agencies.

OIG staff performed tests to determine if attestation and annual certification statements from all agencies having a MOU were received and were timely. Our review identified 236 annual certification statements that were not received, ranging from 4 to 165 days overdue and 12 that were received, but not within the required timeframe, ranging from 1 to 46 days after the required timeframe. We also identified 33 Law Enforcement Agencies (LEA) attestation statements that were not received timely, ranging from 3 to 373 days after the required timeframe and 25 LEA attestation statements that were not received.

The audit found that ensuring timely submission of required attestation and annual certification statements and maintaining accurate DAVID information would improve DAVID oversight and efficiency and recommended the BOR ensure timely submission of attestation and annual certification statements within the timeframe required per the MOU and ensure the accuracy of the DAVID information maintained for tracking and retrieval purposes.

Based on our review of external DAVID audits and supporting documentation being maintained, the BOR should update procedures to clarify the required timeframe for DAVID audits as required per the MOU and implement a quality review process to ensure audits are completed timely and documentation is maintained as required.
Background and Introduction

DAVID is a Department-owned, multifaceted database that provides accurate, concise, and up-to-date driver and motor vehicle information to law enforcement, criminal justice officials, and other state agencies. As outlined in Section 119.0712, F.S., to maintain the integrity of this information, the records are accorded proper management and security, and only accessed and used by authorized personnel in accordance with state and federal law.

All data contained within the DAVID system is sensitive and protected under the DPPA and must be handled accordingly. Therefore, activity associated with any aspect of the DAVID system is subject to detailed monitoring and audits to protect against improper or unauthorized use. Unauthorized use includes, but is not limited to, queries not related to a legitimate business purpose, personal use, dissemination, sharing, copying or passing of DAVID information to unauthorized users. Unauthorized use could result in civil proceedings against the offending agency and/or against any user. Violations or misuse may also subject the user and the user’s agency to administrative sanctions and possible disciplinary action, and could result in DAVID access termination. The Department may terminate the agreement without notice for failure to comply with any of the requirements of the MOU and applicable law.

A POC is assigned for each agency and Department bureau or area requesting access to the DAVID system. POCs have administrative functions of the DAVID system and can review the status and activity of their agency (or bureau/area for Department members) users and should ensure all user information is accurate and updated. POCs can also grant DAVID access and assign user roles based on job duties to other employees and sub-agencies. Each agency should have multiple secondary POCs to handle requests from their agency in the event of the primary POC’s absence. An agency can have as many POCs as deemed necessary to handle assigning roles and conducting audits.

All POCs are required to perform quarterly quality control reviews. During the review, POCs are required to look for signs of misuse, including but not limited to: reason codes for why an individual was searched; running siblings, spouses, ex-spouses, celebrities, and political figures; look at the times of day the data was accessed; repeated runs of the same record; and unexplained access to the Emergency Contact Information. Reviews should be conducted on different members on a regular basis and all members should be reviewed within a year. Best practices when monitoring also include the following:

- Back up POCs should always be in place.
- POCs should work with supervisors for appropriate roles of users.
• Auditing should consist of users that have activity to review.

• Consistent policies regarding change of employment status for user (POCs need to know when to immediately terminate access).

External Oversight

Governmental agencies and LEA, such as police departments, sheriff’s offices and state attorneys, can gain access to DAVID for job related duties. Agencies requesting access must sign a MOU establishing the conditions and limitations for use. Terms of the MOU obligate user agencies to protect and maintain the confidentiality and security of information in accordance with MOU provisions and applicable state and federal laws. Information obtained through DAVID can only be used for the purposes for which authorization was granted and can be disclosed to others only as authorized by state law. The Division of Motorist Services’ Data Listing Unit within the BOR is responsible for managing all DAVID MOUs.

In an effort to ensure LEA comply with the MOU regarding DAVID use, the Department has established procedures for conducting DAVID audits and on-site visits. The Division of Motorist Services’ UTC Field Operations Unit within the BOR is responsible for ensuring LEA are audited every other year or more often if needed. The governmental agency’s POC is required to perform quarterly quality control reviews to monitor compliance with the MOU for their agency. The purpose of the DAVID audit and quarterly quality control review is to evaluate whether the agency’s internal controls over the personal data accessed through DAVID are adequate to protect the data from unauthorized access, distribution, use, modification, or disclosure.

Additionally, all external agencies with DAVID access are required to submit an attestation statement and an annual certification statement to the Department affirming their internal controls over personal data have been evaluated and adequate controls are in place to protect personal data obtained through DAVID from unauthorized access, distribution, use, modification, or disclosure, and the agency is in full compliance with the terms and conditions of the MOU.

The attestation statement for LEA must certify that all deficiencies and/or issues found during the DAVID audit have been corrected and measures have been enacted to prevent recurrence and must have an original signature of a chief, sheriff, state attorney, or a person designated, by letter of delegation, to execute contracts or agreements on their behalf. However, attestation statements for governmental agencies must be submitted by the agency’s internal auditor, inspector general, risk management information technology security professional, or a currently licensed certified public accountant and should also certify that all deficiencies and/or issues found during the review have been corrected and measures have been enacted to
prevent recurrence. Attestation statements must have an original signature of the agency head or a person designated, by a letter of delegation, to execute contracts or agreements on their behalf. The Department can extend the time for submission of the attestation statement upon written request by the LEA for good cause identified by the LEA. Attestation statements for both law enforcement and governmental agencies can be mailed, faxed, or e-mailed to the Department’s BOR Data Listing Unit.

The following is an overview of attestation and annual certification requirements as outlined in the MOUs:

<table>
<thead>
<tr>
<th>Statement Type</th>
<th>Required to Submit</th>
<th>Submission Timeframe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Certification Statement</td>
<td>Governmental and Law Enforcement Agencies</td>
<td>*Annually; within 45 days after the anniversary date of the MOU.</td>
</tr>
<tr>
<td>Internal Control Attestation</td>
<td>Law Enforcement Agencies</td>
<td>No later than 45 days from the receipt of the DAVID audit report.</td>
</tr>
<tr>
<td></td>
<td>Governmental Agencies</td>
<td>On or before the third and sixth anniversary of the agreement or within 180 days from the receipt of an attestation review request from the Department.</td>
</tr>
</tbody>
</table>

*During any year a field audit is conducted, submission of the internal control attestation may satisfy the requirement to submit an annual certification statement.

**Internal Oversight**

Neither MOUs or DAVID audits are required for Department users of DAVID; however, internal POCs are required to monitor DAVID use on an ongoing basis and complete a Quarterly Quality Control Review Report. Quarterly reviews performed by Department POCs are designed to look for signs of misuse, including inappropriately reviewing Emergency Contact Information. If misuse has been identified, it is reported to the POC’s chain of command, to the supervisor of the individual accused, and to the BOR immediately.

Quarterly Quality Control Review Reports must be completed 10 days after the quarter ends and should be submitted directly to the BOR each quarter. If a copy of the
Quarterly Quality Control Review Report is not received, the BOR will contact the POC and remind them to submit it. Quarterly Quality Control Review Reports are to be stored/maintained in a folder on the BOR’s shared drive.

The Department has a contractual agreement with TCO to carry out Departmental functions and duties which allows access to several Department systems, including DAVID. Because of this agreement, TCO are considered internal staff and should perform Quarterly Quality Control Reviews as required for internal users.

Findings and Recommendations

During our review we noted the following key areas in which improvements could be made:

Internal Oversight

Finding No. 1: Oversight for internal DAVID users should be improved.

To ensure misuse has not occurred by individuals with DAVID access, all internal POCs, including TCO, are required to submit Quarterly Quality Control Review Reports to the BOR Data Listing Unit. Quarterly Quality Control Review Reports must be completed by the POC within 10 days after the end of each quarter and maintained for two years.

Our review of Quarterly Quality Control Review Reports submitted to the BOR for the period of January 2017 - April 2018 determined internal POCs are not submitting Quarterly Quality Control Review Reports as required, including the following:

- Quarterly Quality Control Review Reports were not received from TCO during the period reviewed.
- Quarterly Quality Control Review Reports were not submitted for any quarter during the period reviewed for 13 of 18 divisions/bureaus.
- Three divisions/bureaus did not submit at least one of their Quarterly Quality Control Review Reports for the period reviewed.
- FHP submits monthly attestations instead of Quarterly Quality Control Review Reports.

After inquiring with the division/bureau POCs we determined 10 of the 18 POCs were not performing Quarterly Quality Control Reviews during the period reviewed. We also
noted multiple POCs were unaware of the requirements for performing and submitting Quarterly Quality Control Reviews.

Although the BOR established the Quarterly Quality Control Reviews monitoring process, there has been no ongoing oversight, training, or guidance. Currently, there is not a process for notifying divisions/bureaus when Quarterly Quality Control Reviews are not received timely.

In addition, formal procedures for reporting DAVID noncompliance, misuse, or consequences for misuse for internal members have not been established.

**Recommendation**

We recommend the Bureau of Records establish a process to ensure internal POCs are monitoring DAVID usage. This process should include at a minimum:

- Procedures for submitting Quarterly Quality Control Review Reports;
- Procedures of notifying POCs when Quarterly Quality Control Review Reports are not submitted; and
- Procedures for POCs to report misuse.

We also recommend the Bureau of Records implement a tracking mechanism to ensure all Quarterly Quality Control Review Reports are received.

Additionally, we recommend the Bureau of Records provide ongoing guidance and training to internal POC clarifying their responsibilities related to completing and submitting Quarterly Quality Control Review Reports.

**Management Response**

The BOR will establish procedures for submitting Quarterly Quality Control Reviews for all sub-agencies, including Tax Collectors, within the Department who have access to DAVID. The procedures will address the responsibilities of the POC, the completion of quarterly reviews, and how to handle reports of misuse. The anticipated completion date is October 31, 2018.

Additionally, the BOR has two Compliance Auditors who will be responsible for monitoring and tracking this process to ensure compliance. This will require assistance from the Bureau of Motorist Services Support as it pertains to Tax Collectors. Procedures will be established for sending reminders to the POC’s and for escalating non-compliance issues. To ensure all Quarterly Quality Control Review Reports are received, the functionality of a tracking mechanism will be included in the already
established Data Listing Unit MOU Database. The anticipated completion date is December 31, 2018.

The BOR will offer training for POC’s that will address how to conduct audits and explain the procedures and their responsibilities. The BOR will also make reference material, past trainings, etc. available to the POC’s. The anticipated completion date is December 31, 2018.

**MOU Oversight**

**Finding No. 2:** Ensuring the accuracy of data could improve Department oversight of DAVID use.

Current DAVID audit procedures require a signed MOU between the Department and an external agency before an agency obtains access to DAVID information. An MOU establishes the conditions and limitations under which the Department agrees to provide external agencies electronic access to DAVID information.

All MOUs are maintained in EREC, the Department’s primary contract management system. Members of the Data Listing Unit are listed as contract managers and are responsible for the management and oversight of the agreements.

During our review, OIG staff compared a list of DAVID external agency POCs and their respective agencies with a list of MOUs obtained from EREC and a query from the Access database maintained by the BOR containing MOU information to determine if all agencies using DAVID have current MOUs in place. Our review determined the following:

- 59 agencies were on the DAVID POC list, but did not have current/active MOUs. Of the 59 agencies:
  - 55 Tax Collectors were included but are considered internal members; therefore, a MOU is not required. These should be transferred to the internal POC list.
  - 4 agencies had an expired or terminated MOU status, and were removed from the POC list after audit inquiry.

- 13 agencies with a DAVID MOU were not listed on the DAVID POC list.

OIG staff also noted that it was difficult to correlate agency names on the MOU list to agency names on the POC list due to the different naming conventions.
Recommendation

We recommend the Bureau of Records coordinate with the Bureau of Purchasing and Contracts to periodically confirm the accuracy of data listed in EREC and on the POC list.

We also recommend the Bureau of Records’ naming conventions used for agencies are the same in EREC and on the POC list for easy identification.

Management Response

As part of the vetting procedures for MOUs, the BOR has an established vetting checklist. To ensure the accuracy of the data listed in EREC and on the POC list, and to ensure the naming conventions used for agencies are aligned, these items will be added to the vetting checklist. Additionally, the BOR will establish procedures to periodically confirm the accuracy of data listed in EREC and on the POC list.

Attestation and Annual Certification Statements

Finding No. 3: Ensuring timely submission of required attestation and annual certification statements and maintaining accurate DAVID information would improve DAVID oversight and efficiency.

Attestation and annual certification statements are due within a required timeframe as outlined in each agency’s MOU. Failure to timely submit these statements may result in an immediate review request and, based upon the findings of the review, suspension or termination of agency’s access to DAVID information.

OIG staff performed tests to determine if attestation and annual certification statements from all agencies having a MOU were received and were timely. Our review identified 236 annual certification statements were not received, ranging from 4 to 165 days overdue and 12 were received, but not within the required timeframe, ranging from 1 to 46 days after the required timeframe. We also identified 25 LEA attestation statements that were not received, and 33 LEA attestation statements were not received timely, ranging from 3 to 373 days after the required timeframe.

We also noted while reviewing reports retrieved from the BOR’s Access database and the BOR’s DAVID audit schedule spreadsheet, receive dates identified for attestation and annual certification statements did not always agree.
Recommendation

We recommend the Bureau of Records ensure timely submission of attestation and annual certification statements within the timeframe required per the MOU.

We also recommend the Bureau of Records ensure the accuracy of the DAVID information maintained for tracking and retrieval purposes.

Management Response

To ensure the timely submission of required attestation and annual certification statements, the BOR established a MOU Database to track and monitor all the unit’s agreements. One of the functionalities of the database is a built-in tickler that notifies the contract manager, with three notifications, a 90-day, 60-day and 30-day reminder that attestation and annual certification statements are due. At each of these intervals, the contract manager provides notice to the POC.

Additionally, we recently completed a database cleanup to ensure the DAVID information maintained for tracking and retrieval purposes is up-to-date and accurate. Also, as part of the quality review process, the BOR has two Compliance Auditors who will be responsible for monitoring and tracking all MOUs. To ensure compliance, they will be conducting internal post-audits to ensure timely completion and that documentation is maintained as required.

External DAVID audits

Finding No. 4: The Department’s oversight of LEA DAVID use would be strengthened by enhancing DAVID audit procedures and properly maintaining documentation.

Section VI of the MOU for LEA states field audits shall be conducted a minimum of once every two years in order to ensure MOU requirements concerning internal controls are met.

The DAVID Audit Desk Procedure requires senior liaison officers to audit LEA in their region a minimum of every other year and for DAVID audits to be completed by December 31 of each year. Audit documentation, such as notification emails, misuse reports, POC audit activity, etc., is to be maintained in the agencies DAVID audit folder on the shared drive.

During our review in May 2018, we determined field audits of 49 LEAs were not performed within 2 years or 730 days of the previous field audit. This included 16 which were not audited within 2 calendar years since the previous field audit.
We also noted supporting documentation for 6 of 10 (60%) audits we reviewed, was maintained in emails or personal drives and was not maintained on a shared drive as required by procedure.

**Recommendation**

We recommend the Bureau of Records update procedures to clarify the required timeframe for DAVID audits as required per the MOU.

We also recommend the Bureau of Records implement a quality review process to ensure audits are completed timely and documentation is maintained as required.

**Management Response**

The BOR has updated its DAVID Audit Desk Procedures to align with the timeframe for DAVID audits as required per the MOU. A review of the current audit schedule has been completed. To ensure that audits are completed within two years, or 730 days of the previous audit date, adjustments have been made to the current schedule, and future audits will now follow the new procedure.

As part of the quality review process, the BOR has two Compliance Auditors who will be responsible for monitoring and tracking all MOUs. To ensure compliance, they will be conducting internal post-audits to ensure audits are completed timely and documentation is maintained as required.
Purpose, Scope, and Methodology

The purpose of this audit was to review the efficiency and effectiveness of the Department’s internal and external DAVID audits and compliance with applicable laws, Department policy, and procedure.

The scope of this audit included examining completed DAVID audits from January 2017 – March 2018, and the most recently completed Quarterly Quality Control Review Reports.

The methodology included:

- Reviewing applicable statutes, rules, and procedures;
- Reviewing the DAVID audit process;
- Reviewing agency MOUs;
- Reviewing attestation and annual certification statements;
- Reviewing the Quarterly Quality Control Review Process;
- Observing on-site audits for law enforcement agencies;
- Reviewing the oversight process for Department staff with DAVID access;
- Reviewing the process and consequences for reported misuse; and
- Interviewing appropriate Department staff.
Distribution, Statement of Accordance, and Project Team

Distribution

Terry L. Rhodes, Executive Director
Jamie DeLoach, Chief of Staff
Robert Kynoch, Director of Motorist Services
Rick White, Deputy Director of Program Operations
Stephanie Duhart, Bureau Chief of Records

Eric Miller, Chief Inspector General
Sherrill F. Norman, Auditor General

Statement of Accordance

Section 20.055, Florida Statutes, requires the Florida Department of Highway Safety and Motor Vehicles' Inspector General to review, evaluate, and report on policies, plans, procedures, accounting, financial, and other operations of the Department and to recommend improvements. This audit engagement was conducted in accordance with applicable International Standards for the Professional Practice of Internal Auditing published by the Institute of Internal Auditors and Principles and Standards for Offices of Inspector General published by the Association of Inspectors General.

Project Team

Engagement conducted by:
Vanessa Williams, Auditor

Under the supervision of:
David Ulewicz, Audit Director

Approved by:

David Ulewicz, Acting Inspector General
MEMORANDUM

DATE: September 6, 2016

TO: David Ulewicz, Audit Director

FROM: Stephanie D. Duhart, Chief
       Bureau of Records

THROUGH: Robert Kynoch, Director
         Rick White, Deputy Director
         Division of Motorist Services

SUBJECT: Management Response to the DAVID Audit (201718-23)

The following is our response to the findings and recommendations presented in the report.

Finding 1 – Internal Oversight

Overight for internal DAVID users should be improved.

Recommendations

We recommend the Bureau of Records establish a process to ensure internal POCs are monitoring DAVID usage. This process should include at a minimum:

- Procedures for submitting Quarterly Quality Control Review Reports;
- Procedures of notifying POCs when Quarterly Quality Control Review Reports are not submitted; and

* Service  * Integrity  * Courtesy  * Professionalism  * Innovation  * Excellence  *
An Equal Opportunity Employer
• Procedures for POCs to report misuse.

We also recommend the Bureau of Records implement a tracking mechanism to ensure all Quarterly Quality Control Review Reports are received.

Additionally, we recommend the Bureau of Records provide ongoing guidance and training to internal POC clarifying their responsibilities related to completing and submitting Quarterly Quality Control Review Reports.

Management Response

The Bureau of Records (BOR) will establish procedures for submitting Quarterly Quality Control Reviews for all sub-agencies, including Tax Collectors, within HSMV who have access to DAVID. The procedures will address the responsibilities of the Point of Contact (POC), the completion of quarterly reviews, and how to handle reports of misuse. The anticipated completion date is October 31, 2018.

Additionally, the Bureau of Records has two Compliance Auditors who will be responsible for monitoring and tracking this process to ensure compliance. This will require assistance from the Bureau of Motorist Services Support as it pertains to Tax Collectors. Procedures will be established for sending reminders to the POC’s and for escalating non-compliance issues. To ensure all Quarterly Quality Control Reviews are received, the functionality of a tracking mechanism will be included in the already established Data Listing Unit MOU Database. The anticipated completion date is December 31, 2018.

BOR will offer training for POC’s that will address how to conduct audits and explain the procedures and their responsibilities. BOR will also make reference material, past trainings, etc. available to the POC’s. The anticipated completion date is December 31, 2018.

Finding 2 – MOU Oversight

Ensuring the accuracy of data could improve Department oversight of DAVID use.

Recommendations

We recommend the Bureau of Records coordinate with the Bureau of Purchasing and Contracts to periodically confirm the accuracy of data listed in EREC and on the POC list.

We also recommend the Bureau of Records’ naming conventions used for agencies are the same in EREC and on the POC list for easy identification.

Management Response

As part of the vetting procedures for MOUs, BOR has an established vetting checklist. To ensure the accuracy of the data listed in EREC and on the Point of Contacts (POC) list, and to ensure the naming conventions used for agencies are aligned, these items will be added to the vetting checklist. Additionally, we will establish procedures to periodically confirm the accuracy of data listed in EREC and on the POC list.
Finding 3 – Attestation and Certification Statements

Ensuring timely submission of required attestation and certification statements and maintaining accurate DAVID information would improve DAVID oversight and efficiency.

Recommendations

We recommend the Bureau of Records ensure timely submission of attestation and certification statements within the timeframe required per the MOU.

We also recommend the Bureau of Records ensure the accuracy of the DAVID information maintained for tracking and retrieval purposes.

Management Response

To ensure the timely submission of required attestations and certification statements, the bureau established a MOU Database to track and monitor all the unit’s agreements. One of the functionalities of the database is a built-in tickler that notifies the contract manager, with three notifications, a 60-day, 60-day and 30-day reminder that attestations and certification statements are due. At each of these intervals, the contract manager provides notice to the POC.

Additionally, we recently completed a database cleanup to ensure the DAVID information maintained for tracking and retrieval purposes is up-to-date and accurate. Also, as part of the quality review process, the Bureau of Records has two Compliance Auditors who will be responsible for monitoring and tracking all MOUs. To ensure compliance, they will be conducting internal post-audits to ensure timely completion and that documentation is maintained as required.

Finding 4 – External DAVID audits

The Department’s oversight of LEA DAVID use would be strengthened by enhancing DAVID audit procedures and properly maintaining documentation.

Recommendations

We recommend the Bureau of Records update procedures to clarify the required timeframe for DAVID audits as required per the MOU.

We also recommend the Bureau of Records implement a quality review process to ensure audits are completed timely and documentation is maintained as required.

Management Response

The Bureau of Records has updated its DAVID Audit Desk Procedures to align with the timeframe for DAVID audits as required per the MOU. A review of the current audit schedule has been completed. To ensure that audits are completed within two years, or 730 days of the previous audit date, adjustments have been made to the current schedule, and future audits will now follow the new procedure.
As part of the quality review process, the Bureau of Records has two Compliance Auditors who will be responsible for monitoring and tracking all MOUs. To ensure compliance, they will be conducting internal post-audits to ensure audits are completed timely and documentation is maintained as required.