

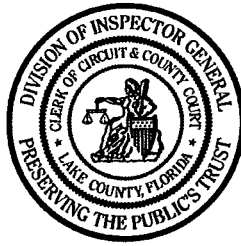
Audit of County Probation Division - 2017 DAVID Usage

Division of Inspector General **Neil Kelly, Clerk of the Circuit and County Courts** **Audit Report**

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Audit Conducted by:
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June 12, 2018



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June 12, 2018

Tony Deaton, Chief Probation Officer
County Probation Division

We conducted our audit of the internal controls over the Board of County Commissioners' County Probation Division's access to the Driver and Vehicle Information Database (DAVID) of the Florida Department of Highway Safety and Motor Vehicles (FLHSMV), as requested by the County Probation Division.

We appreciate the cooperation and assistance provided by the County Probation Division during the course of our audit.

Respectfully submitted,

Sheena Patel
Inspector General Manager

cc: The Honorable Neil Kelly, Clerk of Circuit & County Courts
Jeff Cole, County Manager
Bill Veach, Deputy County Manager
Dottie Keedy, Director, Community Services Department

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INTRODUCTION

Scope and Methodology

We conducted an audit of the County Probation Division's internal controls over access to the Driver and Vehicle Information Database (DAVID) of the Florida Department of Highway Safety and Motor Vehicles (FLHSMV). Our audit objective was to determine whether internal controls are adequate to protect the personal data received from DAVID from unauthorized access, distribution, use, modification, or disclosure.

To determine whether internal controls are adequate to protect the personal data received from DAVID from unauthorized access, distribution, use, modification, or disclosure, we obtained and reviewed requirements, obtained and reviewed DAVID system reporting, interviewed staff, and compared system reporting to County Probation Division records.

Our audit included such tests of records and other auditing procedures, as we considered necessary in the circumstances. The audit period was January 1, 2017 through December 31, 2017. However, transactions, processes, and situations reviewed were not limited by the audit period.

Overall Conclusion

We conclude that overall, the internal controls to protect the personal data received from the Driver and Vehicle Information Database (DAVID) are adequate to protect the data from unauthorized access, distribution, use, modification, or disclosure. Opportunities for Improvement are included in this report.

Background

The County Probation Division signed a Memorandum of Understanding (MOU) with the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) for access to the Driver and Vehicle Information Database (DAVID). The database provides up-to-date information relating to driver records and vehicle information. It is for use by law enforcement and criminal justice officials. The Probation Division uses DAVID for various reasons including to search for probationer identification, to determine vehicle ownership for immobilizations, and to determine the status of an individual's driver's license validity.

As the information provided in the database is confidential, the MOU has requirements to ensure the security of the information. These requirements include, but are not limited to, inactivation of terminated staff; requirements for users to acknowledge the confidentiality of the information and

potential criminal sanctions if that confidentiality is violated; professional use of the data only; and regular reviews and audits of the user activity.

OPPORTUNITIES FOR IMPROVEMENT

Our audit was neither designed nor intended to be a detailed study of every relevant system, procedure, or transaction. Accordingly, Opportunities for Improvement may exist which were not identified during the course of our review.

1. DAVID Searches Should Be In Accordance With The Agreement.

Driver and Vehicle Information Database (DAVID) searches should be performed for a business purpose in accordance with the Memorandum of Understanding (MOU). We noted that one probation officer performed two unauthorized DAVID searches which occurred on August 17, 2017 and September 15, 2017. The searches were not related to a case under the Probation Division. They were later determined to be for the probation officer's personal use.

The MOU between the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) and the County Probation Division states "Information exchanged will not be used for any purposes not specifically authorized by this MOU. Unauthorized use includes, but is not limited to, queries not related to a legitimate business purpose, personal use, dissemination, sharing, copying, or passing of this information to unauthorized persons."

Unauthorized use of the DAVID system could lead to increased liability to the County, breach of contract with the State, and criminal sanctions for the user. Additionally, information gained for personal use can be used for unlawful purposes.

According to the MOU, "The Requesting Party must notify the Providing Agency in writing of any incident where determination is made that personal information has been compromised as a result of unauthorized access, distribution, use, modification, or disclosure, by any means, within 30 days of such determination." The MOU further states that, if required by Florida Statutes, notification must be made to the owners of the compromised records.

When we notified the County Probation Division management of the inappropriate searches, management acted appropriately by further investigating the issue, requesting a full audit of the probation officer's activity, and notifying both the FLHSMV and the owner in writing of the compromised records. As such, there will be no management recommendation at this time.