

**OFFICE OF
INSPECTOR GENERAL**

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Clerk of the Circuit
Court and Comptroller

St. Johns County, Florida



**ST. JOHNS COUNTY BOARD OF
COUNTY COMMISSIONERS
DRIVER AND VEHICLE INFORMATION
DATABASE (DAVID) AUDIT**

**REPORT NO. 2020A-01
April 1, 2020**

**Curtis Evans Jr. CPA, CIG, CFE
Inspector General**



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TO: Sarah Taylor, Assistant Director, Personnel Services Department

FROM: Curtis Evans Jr., Inspector General

SUBJECT: Florida Department of Highway Safety and Motor Vehicles (DHSMV) Driver and Vehicle Information Database (DAVID) Audit

DATE: April 1, 2020

At the request of the St. Johns County Personnel Services department, we conducted an audit of the internal controls over the St. Johns County Board of County Commissioners' access and usage of DAVID provided by the DHSMV.

The objective of our review was to determine whether the use of DAVID complies with the terms of the Memorandum of Understanding with the DHSMV and whether internal controls are adequate to protect personal data received from DAVID from unauthorized access, distribution, use, modification, or disclosure.

We determined that use of DAVID complies with the terms of the MOU and that internal controls are generally adequate to protect data received from DAVID. We also determined that, in some areas, internal controls could be strengthened. Enhancements to existing controls have been recommended and included within the attached report.

We appreciate the cooperation and responsiveness of the Personnel Services department during the course of this audit.

Respectfully Submitted,

Curtis Evans Jr.
Inspector General

Approved:

Brandon Patty
Clerk of the Circuit Court and Comptroller

CC: The Honorable Chairman and Members of the Board of County Commissioners
Hunter S. Conrad, Esq., County Administrator

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INTRODUCTION

Background

On November 8, 2016, the County Administrator serving as an authorized official for the St. Johns County Board of County Commissioners (BCC) signed a Memorandum of Understanding (MOU) with the Florida Department of Highway Safety Motor Vehicle (DHSMV). The MOU, which was signed by the DHSMV on January 9, 2017, allows the BCC access to the Driver and Vehicle Information Database (DAVID) for the purpose of performing annual drivers license checks for all current and new hire employees.

DAVID contains confidential personal information protected by Chapter 119 of the Florida Statutes and the Driver Privacy Protection Act. In order to maintain access privilege, the MOU with the DHSMV requires the BCC to access DAVID only for official purposes, to safeguard personal data obtained and maintain internal controls to prevent, deter, and detect any misuse. DAVID offers the ability to generate audit reports that detail user access for a selected time period. Points-of-Contact (POCs) at the local level are provided a system administrator role, which allows the ability to modify user access as necessary and to monitor and audit DAVID usage.

On February 3, 2020, the Inspector General received a request from the Assistant Director of the St. Johns Personnel Services department (Personnel Services) for an attestation engagement regarding the department's access and use of DAVID. The purpose of the engagement was to attest, upon evaluation, that the BCC, particularly Personnel Services, was in compliance with the terms of the DAVID MOU and had appropriate and adequate internal controls in place to protect personal data obtained from DAVID from unauthorized access, distribution, use, modification, or disclosure.

We used the DAVID audit guide (questionnaire) that was provided by DHSMV to conduct our audit. The questions in the audit guide were derived from Section IV.B and Section V of the MOU between the BCC and the DHSMV. The intended outcome of the audit was to prepare an attestation statement for the DHSMV.

Prior to the start of the audit, the Inspector General and the Assistant Director of Personnel Services discussed the state of internal controls pertaining to the access and use of DAVID and it was apparent that Personnel Services had internal controls in place, but that they could be more robust. During the audit, Personnel Services further developed and/or updated policies, processes, and internal controls, as necessary, to ensure compliance with the MOU and adequate protection of DAVID information.



Objective

The objective of the engagement was to determine whether access and use of DAVID complies with the terms of the MOU and whether internal controls are adequate to protect personal data received from DAVID from unauthorized access, distribution, use, modification, or disclosure.

Scope

The scope of the audit included a review of Personnel Services' processes and related internal controls pertaining to the access and use of DAVID and the protection of information obtained from DAVID. The time period reviewed was January 1, 2019 to January 31, 2020, with a limited review occurring outside of the identified time period.

Methodology

Our audit methodology consisted of three phases:

- **Planning:** Audit procedures were developed based upon research, audit objective, scope and the preliminary meetings.
- **Field Work:** Preliminary observations and findings were discussed. Evaluations and tests were conducted to complete audit fieldwork.
- **Reporting:** An exit conference was held with management to discuss and obtain responses to audit observations and recommendations. Audit report was finalized.

Planning

Our audit plan and procedures were primarily based on review of the following information:

- DAVID MOU between the BCC and the DHSMV.
- DAVID audit guide provided by the DHSMV.
- Initial discussion with the Assistant Director, Personnel Services.
- St. Johns County Administrative Code, Personnel Section.
- Personnel Services' DAVID procedures.

Fieldwork

On February 4, 2020, we interviewed the Assistant Director of Personnel Services, who was the administrator/POC for DAVID at the BCC. We discussed the department's policies, procedures, and practices regarding the use of DAVID and the safeguarding of personal information obtained from DAVID. We also discussed the initial responses to the DAVID questionnaire and collaborated on identifying and further developing and/or updating internal controls to further protect personal data in DAVID.

The Assistant Director of Personnel Services, agreed that the department would address any issues identified during the audit, prior to submission of the attestation statement.



Our field work procedures involved the following:

- Reviewing the legal basis for DAVID users to access the database.
- Reviewing the Quarterly Quality Control Review process.
- Determining whether Personnel Services was in compliance with the provisions of the MOU.
- Verifying each user had completed training and whether training was current.
- Assessing the adequacy and effectiveness of internal controls over the safeguarding of information obtained from DAVID.
- Verifying whether Personnel Services was in compliance with the requirement that access permissions be updated within five working days upon termination or reassignment of users.
- Reviewing annual certification statements.
- Analyzing activity, on a sample basis, for all users within the BCC (7) that used DAVID during the audit period, to determine whether improper use had occurred. Our review involved performing an independent review of DAVID usage, verifying the following:
 - The inquiry date and time was within normal business hours.
 - The inquiry was related to a proper business function.
 - Repeated searches were appropriate.
 - The inquiry was not performed on relatives, celebrities, or political figures.
 - Access to Emergency Contact Information was appropriate.

Reporting

On February 28, 2020, an exit conference was held with the Assistant Director of Personnel Services. During the meeting, we finalized responses to the DAVID audit guide and collaborated on resolution for any remaining attestation control issues. We completed an audit report summarizing our observations and recommendations, which incorporated management's responses.

Overall Conclusion

We determined that the BCC's use of DAVID complies with the terms of the MOU and that internal controls are generally adequate to protect data received from DAVID. We also determined that, in some areas, internal controls could be strengthened to help ensure compliance with the MOU terms regarding DAVID access and use, and with the safeguarding of information from DAVID. Our audit observations and recommendations are included within the section below.



OBSERVATIONS & RECOMMENDATIONS

Our audit identified the following practices, policies and procedures that could be improved:

1. DAVID Standard Operating Procedures

There are areas pertaining to the Personnel Services' DAVID process that could be expanded and defined more clearly. A review of the Personnel Services' DAVID Standard Operating Procedures (SOP) disclosed the following opportunities for improvement:

- The SOP does not include procedures for creating and maintaining an agency list of DAVID users.
- The SOP does not include procedures for completing the Quarterly Quality Control Review Report, such as what reports to run, what information to retain, how to document the review, etc.
- The SOP does not establish a firm due date for completing Quarterly Quality Control Reviews as the SOP states that the quarterly audits should be “conducted on or about January 10, April 10, July 10 and October 10.” The due date for completing the Quarterly Quality Control Review Report, per Section VI.A. of the MOU, is “*within 10 days after the end of the quarter.*”
- The SOP does not include procedures for detecting misuse of DAVID access, such as what information and searches are considered as part of the quarterly review process and what actions should be taken if potential misuse is detected.
- The SOP does not include a discussion of the attestation statement or a process for ensuring the attestation statement is completed and submitted to DHSMV by the required due date.
- The SOP does not include a discussion of the annual certification statement or a process for ensuring that the annual certification statement is completed and submitted to DHSMV by the required due date.
- The SOP does not include a discussion that unauthorized DAVID usage may result in civil liability and criminal sanctions.

We recommend management:

- A. Update or implement procedures for each of the areas discussed within the observation above.
- B. Ensure that the Personnel Services' process for reviewing user activity in DAVID is designed to effectively identify potential misuse of DAVID information. Consideration should be



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given to review inappropriate reason codes, searches for relatives (siblings, spouses and ex-spouses) and a user's unexplained access to Emergency Contact Information.

- C. Ensure that the documentation for the Quarterly Quality Control Review Reports and the annual certification statements, which are also used to support internal control assessments, are properly prepared and maintained.

Management's Response:

- A. Personnel Services has completed or will complete the following actions to improve the DAVID process:

- Created an Excel spreadsheet of approved users, including date of approval and date of deactivation that will be maintained.
 - Added procedures to the DAVID SOP for conducting quarterly audits, including which reports to run and what information is necessary to retain.
 - Defined date ranges for coverage and completion of Quarterly Audits:
January | inclusive dates: October 1-December 31 of prior year | conduct before January 10
April | inclusive dates: January 1 to March 31 of current year | conduct before April 10
July | inclusive dates: April 1 to June 30 of current year | conduct before July 10
October | inclusive dates: July 1 to September 30 of current year | conduct before October 10
 - Created an Excel spreadsheet of approved searches that will be maintained. Appropriate use of DAVID and search criteria will be audited. If misuse is detected, user access permissions will be restricted. Further review will be performed to determine what, if any, disciplinary action is warranted. If misuse is determined, it will be reported to DHSMV.
 - Updated the DAVID SOP to include reference to attestation and annual certification statement requirements.
 - Annual certification statements will be completed and submitted to DHSMV annually by the due date established in the MOU. Annual certifications have been scheduled in Outlook.
 - Sanctions for misuse are provided in the legal disclaimer that must be acknowledged by the user in order to obtain access.
- B. Personnel Services will conduct quarterly audits search for potential misuse by reviewing inappropriate reason codes, and searches for relatives. Users do not have access to Emergency Contact Information. Necessary files will be retained with the audit.
- C. Files for Quarterly Quality Control Review Reports will be created and reviewed. Once finalized these files will be maintained in ERMS.



2. Agency List of DAVID Users

Based on our interview with the DAVID POC and our review of the DAVID SOP and requested documentation, we noted that there was no BCC listing of DAVID users or formal process in place for maintaining a list of DAVID users apart from running the DAVID Users by Agency report.

According to Section II.I. of the MOU between the BCC and the DHSMV, the POC is defined as, “A person(s) appointed by the Requesting Party (i.e. BCC) as the administrator of the DAVID program in their agency.” One of the roles of the POC is to ensure that DAVID users under their purview solely use the DAVID for official BCC business purposes, and to do so, the POC needs to maintain a complete and accurate list of all of users, including both active and inactive users.

Additionally, Section V.F. “Safeguarding Information” of the MOU states that: “The Requesting Party shall maintain a list of all persons authorized within the agency to access DAVID information, which must be provided to the providing agency upon request.”

With no formal list of persons within the BCC who are authorized to access DAVID, the POC cannot effectively compare the BCC’s user list to the listing of DAVID users provided by the DHSMV (i.e. Users by Agency report). This is a step that is included in the Quarterly Quality Control Review Report. The objective of the reconciliation is to identify differences between each entity’s records to ensure consistency and prevent improper access.

We recommend Management:

- A. Ensure that an agency user list, to include all active and inactive users within the BCC, is maintained as required by the MOU.
- B. Consider referring to the example agency user list in the ‘Quarterly Reviews and Audits for DAVID POC’ PowerPoint slides, which is posted within the DAVID application, as a guide for creating an agency user list (see an excerpt of the list from the PowerPoint slides below).

DAVID Users	User ID	User Status	Date Audited	Seperation or Reassignment Date	Date Permisssions updated
Michelle Lasa Alexander	577431	ACTIVE			
Haley Austin	123565	INACTIVE			
Michelle H Baker	123508	INACTIVE			

- C. At a minimum, when performing Quarterly Quality Control Reviews, ensure that the most current agency user list is reconciled to the DAVID Users by Agency report to identify any active users that should no longer have access to DAVID or that the POC is unaware has access to DAVID.



Management's Response:

- A. Created an Excel spreadsheet of approved users, including date of approval and date of deactivation that will be maintained.
- B. Reviewed the example provided from the DAVID application to prepare a user list.
- C. Part of conducting Quarterly Audits will include reconciling current users to authorized users during the audit period.

3. Quarterly Quality Control Reviews

We selected all four quarters pertaining to the audit period for testing and noted the following:

- Inconsistent labeling of the Quarterly Quality Control Review (QQCR) Reports as the QQCR Report labeled Q1 2019 appeared to actually pertain to Q4 2018 and the QQCR Report labeled Q2 2019 appeared to actually pertain to Q1 2019. Labeling of the QQCR Reports for Q3 2019 and Q4 2019 appeared to have corresponded with the correct quarters.
- For Q1 2019, sufficient documentation was not maintained to demonstrate that a review of DAVID users' activities had been performed. Only a copy of the completed QQCR Report was retained. For example, Personnel Services did not retain the usage reports for the users audited. As such, we were not able to determine what records were reviewed, for what period, and if there were potential errors identified that required further evaluation.
- For Q2 2019, a copy of the Users By Agency report and the User Activity Audit report (in Excel format) was provided for our review but a completed QQCR Report was not available for review. Thus, we were unable to determine if a review of the reports was completed, and if so, when the review was completed.
- For Q3 2019, the QQCR did not include all user activity as specified in the DAVID SOP. All users were included for the review but the ending date for the QQCR was 8/8/19. Therefore, the remaining part of the quarter (i.e. 8/9/19 through 10/9/19) was not considered for review.
- For Q4 2019, the QQCR did not include all user activity as specified in the DAVID SOP. All users were included but the QQCR only covered one week of activity out of the quarter. The SOP states that quarterly audits are conducted on "all user activity."
- For Q4 2019, the QQCR was not completed by the due dates specified in the DAVID SOP and the DAVID MOU. It was completed 15 days past the MOU specified due date.

Section V.A. of the MOU requires the BCC to monitor use of the DAVID to ensure that *"Information exchanged will not be used for any purposes not specifically authorized by the MOU. Unauthorized use includes, but is not limited to, queries no related to a legitimate*



business purpose, personal use, and the dissemination, sharing, copying or passing of this information to unauthorized persons.”

Section VI.A of the MOU between the BCC and the DHSMV dated January 9, 2017 states that Quarterly Quality Control Review Reports must be completed “*within 10 days after the end of each quarter and maintained for 2 years.*”

Not conducting QQCRs effectively and timely could potentially have the following effects:

- Management cannot ensure that DAVID queries conducted are strictly used for the purposes specifically authorized by the MOU.
- Management cannot ensure compliance with the MOU.
- The County is exposed to potential liabilities due to unauthorized access to DAVID data.

As part of our audit, we performed a review of a sample of DAVID usage records for the period January 1, 2019 through January 31, 2020 for all five DAVID users that had an active status during the audit period. For all records reviewed, access appeared to have been accomplished for a legitimate business purpose. Based on our review of the usage of DAVID as well as the quarterly reviews conducted by Personnel Services, no instances of improper use of DAVID were identified. Personnel Services further indicated that no instances of improper use had been identified within the past twelve months.

We recommend management:

- A. Implement a tracking mechanism to ensure QQCRs are completed each quarter.
- B. Maintain supporting documentation for all reviews of DAVID users’ activities for the time period specified by the MOU, including data used, potential errors identified, and results of follow up performed to address potential errors and actual errors.
- C. Consider updating the DAVID SOP to clarify the type of supporting documentation to be maintained for QQCRs.
- D. Consider updating the DAVID SOP to provide guidance regarding the amount of coverage and period of activity that should be included for QQCRs.
- E. Ensure that QQCRs are conducted and documented by the due dates specified in the MOU, to comply with the MOU and to verify that authorization and use of DAVID is appropriate.

Management’s Response:

- A. Added Quarterly Audits to the Department Events Outlook calendar.
- B. All supporting documentation will be filed with the Quarterly Audits in ERMS.



- C. Updated the DAVID SOP to include reference of appropriate documentation to be retained with Quarterly Audits in ERMS.
- D. Updated the DAVID SOP to include inclusion dates for each quarterly audit.
- E. Added Annual Certifications and Attestation Audits to the Department Events Outlook calendar.

4. Non-Employee Access

During our review of personnel changes and terminations pertaining to employees with access to DAVID, we noted that access had not been immediately inactivated for two of three employees that separated from the County during the audit period. User access for both individuals appeared to have not been terminated within the timeframe specified by the MOU. Individual number one's last day with the County was April 1, 2019. Access permission for individual number one was not inactivated until August 8, 2019. Individual number two's last day of employment with the County was March 8, 2019. Individual number 2's access permission had not been terminated as of the time of the audit. The Assistant Director explained that the two individuals were previous employees of Personnel Services and given their experience of working for the County, they would occasionally work as contracted employees to the County to support with background checks.

Section IV.B.8 of the MOU requires the BCC to *“Immediately inactive user access/permissions following termination or the determination of negligent, improper, or unauthorized use or dissemination of information. Update user access/permissions upon reassignment of users within five (5) business workdays.”*

Section V.H. of the MOU further states that, *“Under this MOU agreement, access to DAVID shall be provided to users who are direct employees of the Requesting Party and shall not be provided to any non-employee or contractors of the Requesting Party.”*

Users who leave the County or are reassigned might access DAVID inappropriately if their access permissions are not terminated properly and promptly. Any user, whether current or not, could access DAVID for purposes other than those allowed in the MOU.

We performed a review of activity for the two users that separated from the County for the period January 1, 2019, through January 31, 2020 to ensure that there was no misuse during the audit period. Based on our review, we did not notice any misuse of the DAVID access privilege by the two users.

We Recommend Management:

- A. Immediately inactivate DAVID access for the user that is no longer directly employed with the County.



- B. Ensure DAVID access is only granted to direct employees and that user access is terminated in compliance with the MOU requirements.

Management's Response:

- A. Removed contractual employee to "inactive."
- B. Maintaining a spreadsheet of users will result in access being granted only to eligible employees. The date the user is inactivated will reflect the date of separation. Additionally, the HR Exit Checklist has been revised to include the removal of users from DAVID.

5. Review of POC's Usage

During our audit, we noted that two POCs were responsible for performing QQCRs during the audit period, as there was a change in POCs during the period. We noted that the POCs each reviewed their own DAVID activity. POC 1 performed the QQCRs for Q1 2019 and Q2 2019 and POC 2 performed the QQCRs for Q3 2019 and Q4 2019.

Not having an independent user review the POC's usage could result in possible misuse going undetected and unreported.

Section V.A. of the MOU requires the BCC to monitor use of the DAVID, which would include use by POCs, to ensure that "*Information exchanges will not be used for any purposes not specifically authorize by 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 this information to unauthorized persons.*"

We performed a review of activity for the two POCs for the period January 1, 2019, through January 31, 2020 to ensure that there was no misuse during the audit period. Based on our review, we did not notice any misuse of the DAVID access privilege by the two users.

We recommend management:

- A. In addition to assigning a primary POC, assign a backup POC with the ability to run User Activity Reports and the role of being able to perform audits.
- B. Implement a process where the primary and back up POCs each routinely conduct an audit of the other's use of DAVID.

Management's Response:

- A. Secondary POC will be identified and trained once HR Director vacancy has been filled.
- B. Not implementing the process at this time due to HR Director vacancy. Will reevaluate once vacancy is filled.



6. *Internal Control Attestation*

The Attestation Statement pertaining to the DAVID MOU with the DHSMV, dated January 9, 2017, was not completed by the due date specified in the DAVID MOU. Per review of Section VI.B. of the MOU, the due date for the BCC submitting the Attestation Statement to DHSMV was “*on or before the third anniversary of the agreement*”, which was determined to be January 9, 2020. A request for the Office of Inspector General to perform an attestation engagement was received by Personnel Services on February 3, 2020.

We recommend management:

- A. Implement a process or means that will prompt the department to reach out to the Office of Inspector General at a minimum of 90 days prior to the Attestation Statement due date set by the MOU.
- B. Consider forwarding the Office of Inspector General a copy of the courtesy notice reminder that the DHSMV sends out in advance of the Attestation Statement due date.

Management’s Response:

- A. Added event and reminder for Attestation Audits to Department Events Outlook Calendar.
- B. Once received, the courtesy notice reminder from DHSMV will be sent to the Office of Inspector General.

7. *Annual Certification Statements*

While performing a review of the Annual Certification Statements pertaining to the DAVID MOU with the DHSMV, we noted that a copy of the Annual Certification for 2019 was available for review but that the Annual Certification for 2018 was not available for review. We further noted that the Annual Certification Statement for 2019 was not completed by the due date specified in DAVID MOU. Per review of Section VI.C. of the MOU, the due date for completing the Annual Certification was “*annually, within 45 days after the anniversary date of the MOU*”, which was determined to be February 23. The Annual Certification for 2019 was signed and dated July 7, 2019.

We recommend management:

- A. Implement a process or means that will prompt the department to complete an Annual Certification Statement and ensure that it is completed by the due date set by the MOU.

Management’s Response:

- A. Added a reminder for Annual Certifications to Outlook in effort to help prompt completion.

