



Audit of
Driver and Vehicle Information
Database Usage by the
Environmental and Consumer
Protection Division

Office of the County Auditor

Audit Report

Robert Melton, CPA, CIA, CFE, CIG
County Auditor

Audit Conducted by:
Gerard Boucaud, CIA, CISA, CDPSE, Audit Manager
Muhammad Ramjohn, CISA, Senior Information Technology Auditor

Report No. 21-02
December 3, 2020



OFFICE OF THE COUNTY AUDITOR

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December 3, 2020

Honorable Mayor and Board of County Commissioners

At the request of management, we conducted an Audit Of The Internal Controls Over Environmental And Consumer Protection Division's Access And Usage Of The Driver And Vehicle Information Database (DAVID) provided by the Florida Department of Highway Safety and Motor Vehicles (DHSMV).

The objective of our review was to determine whether the use of the DAVID system complies with the terms of the Memorandum of Understanding with DHSMV along with the adequacy of internal controls to ensure compliance.

We concluded that the use of DAVID did not always comply with the terms of the Memorandum of Understanding with DHSMV, and internal controls were not adequate to ensure compliance or to determine whether all searches were appropriate. Upon notification, management took immediate action to correct the issues noted. As a result, we conclude the internal controls over personal data have been evaluated and are adequate to protect the personal data from unauthorized access, distribution, use, modification, or disclosure. Opportunities for Improvement and Management's Response are included within the report.

We conducted this audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We appreciate the cooperation and assistance provided by the Environmental Protection and Growth Management throughout the course of our audit.

Respectfully submitted,



Bob Melton
County Auditor

cc: Bertha Henry, County Administrator
Andrew Meyers, County Attorney
Monica Cepero, Deputy County Administrator
Lenny Vialpando, Director Environmental Protection and Growth Management
Philip McChesney, Acting Director Environmental Consumer Protection

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INTRODUCTION

Scope and Methodology

The County Auditor's Office conducts audits of Broward County's entities, programs, activities, and contractors to provide the Board of County Commissioners, Broward County's residents, County management, and other stakeholders unbiased, timely, and relevant information for use in promoting government accountability and stewardship and improving government operations.

At the request of management, we conducted an audit of the of the internal controls over Environmental and Consumer Protection Division's access and usage of the Driver and Vehicle Information Database (DAVID) provided by the Florida Department of Highway Safety and Motor Vehicles (DHSMV). Our audit objectives were to determine whether:

1. To determine whether the use of the DAVID system complies with the terms of the Memorandum of Understanding along with the adequacy of internal control to ensure compliance.
2. To determine whether opportunities for improvement exist.

To determine whether the use of the DAVID system complies with the terms of the Memorandum of Understanding along with the adequacy of internal control to ensure compliance, we obtained and reviewed user requirements, including review of the Memorandum of Understanding and audit guidelines, reviewed employee acknowledgements of policies and procedures on confidentiality and criminal sanctions. We inspected quality control reviews and user rights, duties, or obligations documentation. We validated information usage, user access permissions, and the security of information storage.

We conducted this audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Our audit included such tests of records and other auditing procedures as we considered necessary in the circumstances. The audit period was September 1, 2019 through October 31, 2020. However, transactions, processes, and situations reviewed were not limited by the audit period.

Overall Conclusion

We conclude that the use of DAVID did not always comply with the terms of the Memorandum of Understanding with DHSMV, and internal controls were not adequate to ensure compliance or to determine whether all searches were appropriate. Opportunities for Improvement are included in the report.

Upon notification, management took immediate action to correct the issues noted. As a result, we conclude the internal controls over personal data have been evaluated and are adequate to protect the personal data from unauthorized access, distribution, use, modification, or disclosure. Management's Response is included in the report.

Background

In November 2017, the Environmental and Consumer Protection Division (ECP) entered into a Memorandum of Understanding (MOU) with Department of Highway Safety and Motor Vehicles (DHSMV) to obtain access to the Driver and Vehicle Information Database (DAVID), which provides remote electronic access to driver license and motor vehicle information.

As the information provided through the data exchange is confidential, the MOU has requirements to ensure the physical and logical security of the information. These requirements include, but are not limited to, inactivation of terminated users, acknowledgements of information confidentiality as well as criminal sanctions for confidentiality violations, professional use of the information, annual user training, and periodic reviews and audits of user activity.

Environmental and Consumer Protection Division's Data Usage

Pursuant to Section 119.0712(2), Florida Statutes, as outlined in 18 United States Code, section 2721, personal information in motor vehicle and driver license records can be released:

For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State, or local agency in carrying out its functions.

ECP, a division of the Environmental Protection and Growth Management Department (EPGM), uses DAVID for chauffeur registration background checks. Section 22½-8, Chapter 22½ - Motor Carriers, of the Broward County Code of Ordinances requires background checks prior to issuing a Broward County chauffeur's registration. EPGM stated purpose for use of the personal information is to determine chauffeur registration suitability to operate a vehicle for hire in a

safe manner. This includes a review of driving records, address verification and vehicle registration status.

County employees access DAVID through an online portal maintained by the DHSMV. County access to data is maintained by a designated Point of Contact. Such responsibilities include:

- Quality control audits
- Approve access to the system
- Deactivate terminated employees
- Perform reviews of user activity

OPPORTUNITIES FOR IMPROVEMENT

Our audit disclosed certain policies, procedures and practices that could be improved. Our audit was neither designed nor intended to be a detailed study of every relevant system, procedure, or transaction. Accordingly, the Opportunities for Improvement presented in this report may not be all-inclusive of areas where improvement may be needed.

1. The Use of DAVID by Environmental Protection and Growth Management Department Did Not Always Comply with the Stated Purpose in the Memorandum of Understanding.

The use of DAVID by Environmental Protection and Growth Management Department (EPGM) did not always comply with the stated purpose within the memorandum of understanding (MOU). The Environmental and Consumer Protection Division (ECP) is listed as the original requesting agency in the MOU. According to the MOU:

“The data will be used to determine whether the chauffeur registration applicant has a driving record that would bear a substantial relationship to the applicant's ability to operate a vehicle for hire in a safe manner.”

However, other agencies within EPGM, such as Building Code Services and Environmental Engineering & Permitting also utilize the database. DAVID data is used by these agencies to support investigations in obtaining vehicle ownership information, business names, addresses, and performing identity checks. While the use of DAVID data may be allowed for these purposes, the MOU should be revised to include these activities. Continued use of the DAVID data outside the intended purpose results in non-compliance with the terms of the MOU.

Upon notification of this issue, management immediately issued a memorandum requiring the agency to disable all access to DAVID and perform a user recertification process to allow only the access needed for the use stated within the MOU.

We recommend management continue the discontinuance of the use of DAVID data for unapproved purposes and work with State of Florida DHSMV to update the MOU to align with the current usage of DAVID data by EPGM.

2. Searches of DAVID Data Should be Supported with Adequate Documentation Justifying the Business Purpose for Each Search.

During our review of the business purpose for the request of personal information, we identified the following issues:

- A. For thirteen of 60 (22%) searches reviewed, evidence supporting the business justification for the search was not created or retained. Upon inquiry with management, we were informed that users conducting investigations perform ad-hoc searches that may or may not be documented.
- B. We noted 1,112 of 4,698 (24%) searches were performed using a generic business purpose code "Specific Agency Function" which is allowed but may not provide management sufficient information to determine that actual business purpose. In addition, 23 of 4,698 (.5%) searches were performed with no associated business code. Before a user can perform a search in the database, the user is prompted to select a business purpose to indicate why the search is being performed. The use of a generic business code or no input code at all, reduces management's ability to adequately perform quality control activities over searches.

Section V. of the MOU requires that, "information exchanged will not be used for any purpose not specifically authorized by this MOU. Unauthorized use includes, but is not limited to, queries not related to a legitimate business purpose, personal use, or the dissemination, sharing, copying, or passing of this information to unauthorized persons". Appropriately recording and retaining the business purpose supporting documentation ensures management is performing their due diligence to adequately support each search performed in the database.

Because of these inadequate internal controls, we are unable to determine whether all searches were for legitimate agency purposes. It is essential that adequate controls be established immediately.

Upon notification of this issue, management immediately issued a revised policy limiting use of DAVID data for the purpose of chauffer/hack license applications and renewals. Each search is to be supported by documentation for this activity.

We recommend management immediately:

- A. Ensure that appropriate documentation is created and retained to support the business justification for DAVID searches. This documentation should link searches to specific situations.

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the Environmental and Consumer Protection Division

- B. Ensure users are trained to accurately input the specific business purpose related to each database search.

MANAGEMENT'S RESPONSE



BERTHA W. HENRY, County Administrator
115 S. Andrews Avenue, Room 409 • Fort Lauderdale, Florida 33301 • 954-357-7362 • FAX 954-357-7360

MEMORANDUM

DATE: November 30, 2020
TO: Bob Melton, County Auditor
FROM: Bertha W. Henry, County Administrator
SUBJECT: Management Response to County Auditor's Audit Report on Driver And Vehicle Information Database (DAVID) Usage by the Environmental and Consumer Protection Division

The Environmental Protection and Growth Management Department and the Environmental and Consumer Protection Division have reviewed the County Auditor's Audit Report on Driver And Vehicle Information Database (DAVID) Usage by the Environmental and Consumer Protection Division which was requested by Management.

In summary, Management accepts the Auditor's Opportunities for Improvement and as indicated in the Audit Report has taken immediate corrective action to correct the issues noted.

Below, please find detailed responses to each of the Auditor's Opportunities for Improvement.

Opportunities for Improvement 1: *The Use of DAVID by Environmental Protection and Growth Management Department Did Not Always Comply with the Stated Purpose in the Memorandum of Understanding.*

Recommendation: *Management continue the discontinuance of the use of DAVID data for unapproved purposes and work with State of Florida DHSMV to update the MOU to align with the current usage of DAVID data by EPGM.*

Management's Response: Management concurs. Upon notification of this issue, Management immediately disabled all user access to DAVID, updated the Division SOP for usage of DAVID, and notified all agency users, by memo, of the same. Management will further review usage needs and authorize usage as appropriate and consistent with the MOU and updated SOPs. If determined that official need outside of the current scope of the MOU exists, Management will work directly with Florida DHSMV to update the MOU to align with those needs prior to any further usage of DAVID.

Opportunities for Improvement 2: *Searches of DAVID Data Should be Supported with Adequate Documentation Justifying the Business Purpose for Each Search.*

Recommendation A: *Ensure that appropriate documentation is created and retained to support the business justification for DAVID searches. This documentation should link searches to specific situations.*

November 30, 2020

To: Bob Melton, County Auditor

Re: Management Response to County Auditor's Audit Report on Driver Vehicle Information Database (DAVID) Usage by the Environmental and Consumer Protection Division

Management's Response: Management concurs. As indicated in response to Opportunity for Improvement 1, all user access has been disabled and usage ceased. Additionally, should access to DAVID be authorized and resumed in the future, the Division SOP has been updated to require appropriate documentation to support the business justification for DAVID searches. Specifically, the SOPs have been updated to require that any usage of DAVID must include a specific use code for hack licenses and a hack application/license number that is uniquely related to the search must be documented.

Recommendation B: *Ensure users are trained to accurately input the specific business purpose related to each database search.*

Management's Response: Management concurs. If access to DAVID is authorized and resumed in the future, training will be conducted with all users and annual Acknowledgment forms will be updated to reflect this requirement for usage of the system.

Thank you for conducting this audit at Management's request and providing the opportunity for Management to respond and provide comments to the audit. Should you have any questions or require additional information, please do not hesitate to contact me.

c: Mayor and Board of County Commissioners
Monica Cepero, Deputy County Administrator
Kimm Campbell, Assistant County Administrator
Kevin Kelleher, Assistant County Administrator
Leonard Vialpando, Director, Environmental Protection and Growth Management Department
Phillip McChesney, Acting Director, Environmental and Consumer Protection Division
Andrew Meyers, County Attorney