



DIVISION OF INSPECTOR GENERAL
Ken Burke, CPA
Clerk of the Circuit Court and Comptroller
Pinellas County, Florida



AUDIT OF CONSUMER PROTECTION'S INTERNAL CONTROLS OVER DAVID INFORMATION

DAVID

DRIVER AND VEHICLE
INFORMATION DATABASE



Consumer Protection

A SAFER
FLORIDA
HIGHWAY SAFETY AND MOTOR VEHICLES



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Ken Burke, CPA

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November 12, 2020

Daisy Rodriguez, Director, Department of Human Services Administration

We have conducted an audit of Consumer Protection's Internal Controls Over Driver and Vehicle Information Database Information, per management request.

We identified no Opportunities for Improvement as a result of the audit.

We appreciate the cooperation shown by the staff of the Office of Consumer Protection during the course of this review.

Respectfully Submitted,

Melissa Dondero

Melissa Dondero
Inspector General/Chief Audit Executive

Approved:

Ken Burke

Ken Burke, CPA*
Clerk of the Circuit Court and Comptroller
Ex Officio County Auditor

*Regulated by the State of Florida

cc: The Honorable Chairman and Members of the Board of County Commissioners
Barry Burton, County Administrator
Lourdes Benedict, Assistant County Administrator
Tim Burns, Director, Planning and Contract Services Division
Douglas Templeton, Section Manager, Office of Consumer Protection



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INTRODUCTION

Abbreviations

County	Pinellas County
BCC	Board of County Commissioners
Consumer Protection	Office of Consumer Protection
DAVID	Driver and Vehicle Information Database
DHSMV	Florida Department of Highway Safety and Motor Vehicles
DPPA	Driver's Privacy Protection Act
FY	Fiscal Year
MOU	Memorandum of Understanding
POC	Point of Contact

Executive Summary

At the request of the Office of Consumer Protection (Consumer Protection) management, we conducted an audit of Consumer Protection's Memorandum of Understanding (MOU) with the Florida Department of Highway Safety and Motor Vehicles (DHSMV) to access the Driver and Vehicle Information Database (DAVID) system. The objectives of our audit were to:

1. Ensure Consumer Protection had adequate policies and procedures in place addressing DAVID data access, distribution, use, modification, and disclosure.
2. Ensure Consumer Protection's access to the DAVID system was adequately managed.
3. Ensure Consumer Protection used appropriate logging and monitoring tools to manage DAVID access and use.
4. Ensure DAVID information was obtained for legitimate business purposes.
5. Ensure Consumer Protection had adequate physical security to protect confidential DAVID data from unauthorized access and use.

Overall, we found Consumer Protection's controls over access to DAVID to be sufficient to protect the access, distribution, use, modification, and release of motor vehicle data. Our review revealed Consumer Protection had formal policies and procedures regarding the use of the DAVID system and the data as well as data confidentiality. The policies and procedures regarding DAVID were adequate and addressed key requirements of the MOU.

DAVID users were aware of DAVID security policies, the confidential nature of DAVID information, and understood the potential criminal sanctions for misuse of DAVID information. The DAVID application required users to acknowledge their understanding that all data in DAVID was sensitive and privileged information, as well as the possible sanctions for the unauthorized use of data, each time they logged in. Additionally, all DAVID users sign a Confidential Acknowledgement and Criminal Sanctions Acknowledgement annually.

The DAVID point of contact (POC) ensured the DAVID passwords were safeguarded from unauthorized access and distribution by using a controlled process for the granting of new DAVID user credentials. Consumer Protection also secured its workspace physically by badge access.

We also determined Consumer Protection employed adequate logging and monitoring tools to ensure DAVID was used appropriately and DAVID information was not printed. The oversight of DAVID user access by the DAVID POC ensured the access was authorized and used strictly in the performance of users' job functions.

Consumer Protection completed and submitted its Annual Certification Statement to the DHSMV, and the POC completed the Quarterly Quality Control Review Report, as required by the MOU.

We identified no issues regarding Consumer Protection's adherence to the MOU requirements.

Background



The Office of Consumer Protection (Consumer Protection) is an office in the Human Services Department. The Human Services Department is responsible for programs and activities designed to help disadvantaged Pinellas County (County) residents meet essential needs and reach their maximum potential for self-sufficiency. Programs and activities include the Pinellas County Health Program, Homeless Prevention and Self Sufficiency Program, Disability Advocacy, Veterans Services, Justice Coordination, and Consumer Protection.



Consumer Protection provides the following four main services for County citizens:

- Mediation of consumer complaints.
- Criminal investigation of consumer fraud.
- Regulation of charitable solicitation organizations, bingo, fortune telling, moving, price gouging, towing, adult use establishments, high prescribing health clinics, and human trafficking public awareness signs.
- Consumer education.

Specific services provided by Consumer Protection are described in the subsequent category headings.

Dispute Resolution

- Provides third-party assistance in solving disputes through mutually agreeable resolutions.
- Investigates and mediates consumer-business disputes.
- The mediation process is conducted through telephone contacts and informal hearings held in the office, the consumer's residence, or a business location.

Regulatory Enforcement



- Licenses charitable, authorized organizations, and all lessors who are involved in the conduct of bingo, high prescribing health clinics, and adult use establishments.
- Regulates mowing and towing ordinances.
- Enforces price gouging ordinance during a local declared state of emergency.
- Enforces human trafficking public awareness sign ordinance.
- Enforces charitable solicitations and fortune telling ordinances.

Consumer Education

- Informs consumers and businesses of their rights and obligations under existing consumer protection laws.
- Trains law enforcement on criminal consumer protection laws.
- Consumer education presentations are given to local civic, community organizations, and the public school system.
- Distributes consumer education pamphlets and provides consumer awareness information to the media.



Criminal Investigations

- Conducts consumer fraud investigations and submits the evidence to the State Attorney's Office for criminal prosecution.
- Investigates consumer complaints identified as violations of criminal laws.
- Criminal charges and conviction may result in punishment for the offender and possible monetary reimbursement through court ordered restitution.



Consumer Protection is staffed by a team of thirteen full-time employees covering the responsibilities listed above. It assists and acts as the investigative arm to the Consumer Fraud Division of the State Attorney's Office - Sixth Judicial Circuit.

In order to conduct its investigations, Consumer Protection uses various tools including the Driver and Vehicle Information Database (DAVID). DAVID is a multifaceted database that affords retrieval of driver information such as information about driver licenses, driver records, and vehicle title and registration data.

Memorandum of Understanding



**MEMORANDUM OF UNDERSTANDING
FOR GOVERNMENTAL ENTITY ACCESS TO
DRIVER AND VEHICLE INFORMATION DATABASE SYSTEM (DAVID)
Contract Number HSMV- HSMV-0256-18**

This Memorandum of Understanding (MOU) is made and entered into by and between
Pinellas County Consumer Protection, hereinafter referred
to as the Requesting Party, and the Florida Department of Highway Safety and Motor Vehicles, hereinafter
referred to as the Providing Agency, collectively referred to as the Parties.

The County Administrator signed a Memorandum of Understanding (MOU) with the Florida Department of Highway Safety and Motor Vehicles (DHSMV) on October 9, 2017, that allows Consumer Protection employees to access DAVID. The DHSMV fully executed the MOU on November 7, 2017.

Consumer Protection uses DAVID primarily for lawful investigative activities associated with the investigation of consumer fraud complaints to identify suspects and witnesses in investigations. DAVID contains confidential personal information protected by Chapter 119 of the Florida Statutes and the Driver Privacy Protection Act (DPPA).

As part of the agreement with the DHSMV, Consumer Protection must secure all data associated with the DAVID database. Section III. of the MOU states the following:

“Under this MOU, the Requesting Party [Consumer Protection] will be provided, via remote electronic means, information pertaining to driver licenses and vehicles, including personal information authorized to be released pursuant to Section 119.0712(2), Florida Statutes and DPPA. By executing this MOU, the Requesting Party agrees to maintain the confidential and exempt status of any and all information provided by the Providing Agency [DHSMV] pursuant to this agreement and to ensure that any person or entity accessing or utilizing said information shall do so in compliance with Section 119.0712(2), Florida Statutes and DPPA.”

Section VI. Section B. of the MOU states the following pertaining to the required internal control attestation:

“Internal Control Attestation - *This MOU is contingent upon the Requesting Party having appropriate internal controls in place at all times that data is being provided/received pursuant to this MOU to ensure that the data is protected from unauthorized access, distribution, use, modification, or disclosure. The Requesting Party must submit an Attestation Statement from their Agency's Internal Auditor, Inspector General, Risk Management IT Security Professional, or a currently licensed Certified Public Accountant, on or before the third and sixth anniversary of the agreement or within 180 days from receipt of an Attestation review request*

from the Providing Agency. The Attestation Statement shall indicate that 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. The Attestation Statement shall also certify that any and all deficiencies/issues found during the review have been corrected and measures enacted to prevent recurrence.”

Section VII. of the MOU states the following regarding the term of the MOU:

"This MOU shall take effect upon the date of last signature by the Parties and shall remain in effect for six (6) years from this date unless sooner terminated or cancelled in accordance with Section IX, Termination."

Consumer Protection Budget

Consumer Protection's budget is included within the Human Services Department. Below is a summary of the Consumer Protection budget for fiscal year (FY) 2018 through FY 2020. The FY 2020 budget reflects an increase of \$132,347, or 11.4%, as compared to the FY 2019 actual budget.

We noted the FY 2019 budget request was \$1,254,930. Consumer Protection’s FY 2019 actual budget was \$89,617 less, or 7.1%, than requested. Moreover, Consumer Protection management indicated it expected the FY 2020 actual budget to be less than requested.

Consumer Protection Budget Summary			
Expenditures By Fund			
Fund	FY 2018 Actual	FY 2019 Actual	FY 2020 Revised
General Fund	1,141,399	1,165,313	1,297,660
Total Expenditures	\$1,141,399	\$1,165,313	\$1,297,660

Recognition

Throughout the year, the Human Services Department facilitated the delivery of programs and services to assist residents and create access. According to the FY 2020 adopted budget, Consumer Protection reached 4,241 citizens through 123 community events while addressing over 1,100 consumer complaints and getting more than \$1 million in refunds and restitution for citizens.



SCOPE AND METHODOLOGY

We have conducted an audit of the internal controls used to protect personal data obtained through the DAVID application from unauthorized access, distribution, use, modification, and disclosure.

The scope of the audit was the MOU between Consumer Protection and the DHSMV to access the DAVID application and associated security and confidentiality requirements. The County Administrator signed the MOU on October 9, 2017, and the DHSMV fully executed the MOU on November 7, 2017.

The audit period was October 1, 2019, through September 30, 2020. However, we did not limit the review of transactions and processes by the audit period and scope.

During the audit, we performed the following:

1. Interviewed individuals responsible for administering DAVID to obtain a clear understanding of how DAVID is accessed and used.
2. Reviewed policies and procedures addressing DAVID access, distribution, use, modification, and disclosure.
3. Reviewed documents completed and submitted to the DHSMV, as required in the DAVID MOU, including the Quarterly Quality Control Review Report and the Annual Certification Statement.
4. Obtained an understanding of the available DAVID monitoring and reporting tools as well as the frequency of management's review.
5. Tested, on a sample basis, user DAVID access during the audit period to verify the following:
 - The inquiry date and time was within normal Consumer Protection 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.
6. Reviewed physical security controls in place to restrict access to employee workstations and confidential DAVID output.

OBJECTIVES AND OUTCOMES

The objectives of the audit were to:

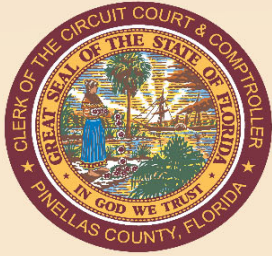
1. Ensure adequate policies and procedures were in place addressing DAVID access, distribution, use, modification, and disclosure.
2. Ensure access to the DAVID system was adequately managed.
3. Ensure appropriate logging and monitoring tools were used to manage DAVID access and use.
4. Ensure DAVID information was obtained for legitimate business purposes.
5. Ensure adequate physical security existed to protect confidential DAVID data from unauthorized access and use.

As a result of the audit, we determined:

1. The policies and procedures were adequate to address DAVID access, distribution, use, modification, and disclosure. Consumer Protection had formal policies and procedures regarding DAVID that were adequate and addressed key requirements of the MOU. Staff was required to acknowledge that all data in DAVID was sensitive and privileged information, as well as the possible sanctions for the unauthorized use of data, each time they logged in. Staff was also required to sign a Confidential Acknowledgement and Criminal Sanctions Acknowledgement annually.
2. The access to DAVID was adequately managed. Consumer Protection's DAVID POC had a controlled process for issuing new user credentials and for removing unnecessary access. Consumer Protection's POC generated and reviewed quarterly user activity reports to ensure appropriate usage by all authorized users and completed the required Quarterly Quality Control Review Report.
3. Appropriate logging and monitoring tools were used to manage DAVID access and use. The investigations supervisor randomly reviewed user searches daily along with the POC conducting quarterly quality control reviews. Consumer Protection completed and submitted its Annual Certification Statement to the DHSMV as required by the MOU.
4. The DAVID queries for the audit period listed above were directly related to an open investigation or other business related purpose.
5. There were adequate physical security controls in place to protect confidential DAVID data from unauthorized access and use. The Consumer Protection office occupies a secure space, and staff does not print DAVID information.

We identified no issues regarding Consumer Protection's adherence to the MOU requirements.

Our audit was conducted in accordance with the *International Standards for the Professional Practice of Internal Auditing* and the *Principles and Standards for Offices of Inspector General*, and accordingly, included such tests of records and other auditing procedures, as we considered necessary in the circumstances.



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