



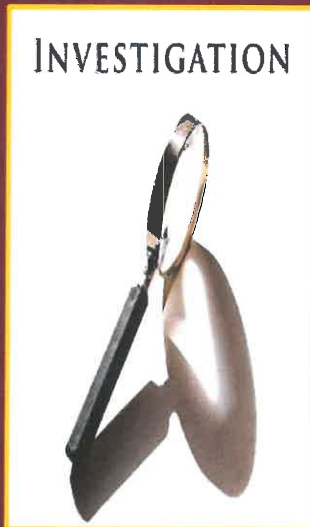
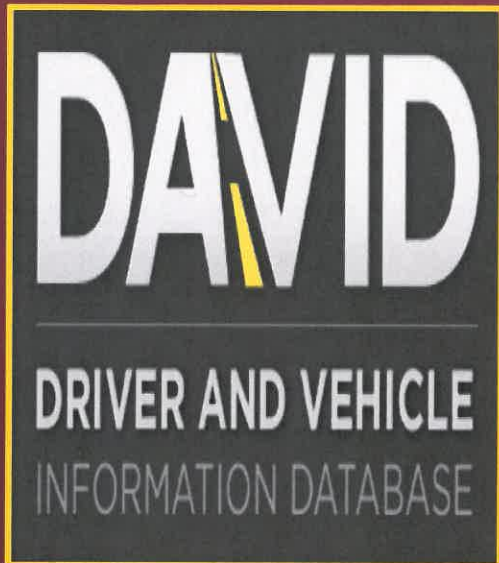
DIVISION OF INSPECTOR GENERAL

KEN BURKE, CPA

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

PINELLAS COUNTY, FLORIDA

AUDIT OF CONSUMER PROTECTION'S INTERNAL CONTROLS OVER DAVID INFORMATION



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May 8, 2017
REPORT NO. 2017-06



Ken Burke, CPA

CLERK OF THE CIRCUIT COURT AND COMPTROLLER
PINELLAS COUNTY, FLORIDA

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May 8, 2017

The Honorable Chairman and Members of the Board of County Commissioners

The Pinellas County Office of Consumer Protection entered into a 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. On September 7, 2016, the DHSMV requested the Office of Consumer Protection to submit an attestation ensuring DAVID data is used in an appropriate manner per the MOU. The attestation must be submitted to the DHSMV by May 21, 2017. The Office of Consumer Protection requested the Clerk of the Circuit Court and Comptroller's Division of Inspector General to perform the attestation engagement.

We have conducted an audit of the Office of Consumer Protection's internal controls over DAVID information. The objectives of the attestation engagement were to:

1. Determine if adequate policies and procedures are in place to address DAVID access, distribution, use, modification, and disclosure.
2. Determine if access to the DAVID system is adequately managed.
3. Determine if appropriate logging and monitoring tools are used to manage DAVID access and use.
4. Determine if adequate physical security exists to protect confidential DAVID data from unauthorized access and use.

The internal controls over DAVID personal data have been examined, and in our opinion, are adequate to protect the personal data from unauthorized access, distribution, use, modification, or disclosure. Opportunities for Improvement are presented in this report.

We appreciate the cooperation shown by the staff of the Office of Consumer Protection during the course of this audit. We commend management for their responses to our recommendations.

Respectfully Submitted,


Hector Collazo Jr.
Inspector General/Chief Audit Executive

Approved:



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



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INTRODUCTION

Synopsis

Internal controls over Driver and Vehicle Information Database (DAVID) personal data have been evaluated, and in our opinion, are adequate to protect the personal data from unauthorized access, distribution, use, modification, or disclosure.

The Office of Consumer Protection is utilizing the DAVID information for appropriate business functions; however, the Office has not complied with the MOU's requirement to submit an annual affirmation to the Department of Highway Safety and Motor Vehicle (DHSMV) confirming the Office has adequate controls in place to protect DAVID data from unauthorized access and use. While this non-compliance with the MOU could result in the discontinuation of access to the DAVID system, it does not affect the current effectiveness of DAVID security over access, distribution, use, modification, and disclosure.

Scope and Methodology

We have conducted an audit of Consumer Protection's internal controls over DAVID information. The audit examined the internal controls used to protect personal data obtained through DAVID from unauthorized:

- Access
- Distribution
- Use
- Modification
- Disclosure

The objectives of our audit were to:

1. Determine if adequate policies and procedures are in place addressing DAVID access, distribution, use, modification, and disclosure.
2. Determine if access to the DAVID system is adequately managed.
3. Determine if appropriate logging and monitoring tools are used to manage DAVID access and use.
4. Determine if adequate physical security exists to protect confidential DAVID data from unauthorized access and use.

In order to meet the objectives of our audit, we:

- Interviewed the individual(s) responsible for administering DAVID to obtain a clear understanding of how DAVID is accessed and used.

- Reviewed and evaluated policies and procedures addressing DAVID access, distribution, use, modification, and disclosure.
- Examined logging and monitoring tools employed for DAVID and physical security of DAVID data.
- Tested, on a sample basis, internal controls to protect personal DAVID data from unauthorized access, distribution, use, modification, and disclosure to ensure they are functioning appropriately.

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. The audit period was October 1, 2016 through March 31, 2017. However, transactions and processes reviewed were not limited by the audit period.

Overall Conclusion

In our opinion, the internal controls over DAVID personal data are adequate to protect the data from unauthorized access, distribution, use, modification, or disclosure. We found no evidence of misuse of DAVID information.

1. The Office of Consumer Protection's internal policies and procedures are sufficient to ensure compliance with Sections V and VI of the MOU, *Safeguarding Information*, and *Compliance and Control Measures* requirements. DAVID users are aware of DAVID security policies, the confidential nature of DAVID information, and understand the potential criminal sanctions for misuse of DAVID information.
2. There is adequate oversight over DAVID access by the DAVID Point of Contact (POC) that ensures user access is authorized and used strictly in the performance of their job functions.
3. Our sampling using the DHSMV user access transaction reports found the use of DAVID information was for legitimate Office of Consumer Protection business. While the POC for the Office of Consumer Protection has performed the required quarterly reviews and monitoring to ensure appropriate DAVID access and use, we noted the Office did not comply with section VI.C. of the MOU, as it relates to the submission of an annual affirmation to the DHSMV. The last annual affirmation on record was for the year 2013, prior to the present MOU (Contract No. HSMV-0388-15). Nevertheless, this failure to comply does not affect the current effectiveness of DAVID security over access, distribution, use, modification, and disclosure.
4. There is adequate physical security to protect confidential DAVID information from unauthorized access and use.

Action Plan

OFI NO.	OPPORTUNITIES FOR IMPROVEMENT CAPTIONS RECOMMENDATIONS	MANAGEMENT RESPONSES	IMPLEMENTATION STATUS
1	Consumer Protection Did Not Complete And Submit The Required Annual Affirmation Form To The DHSMV.		
A	Complete and submit the required annual affirmation form to the DHSMV within the time frame indicated in the MOU.	Concur	Planned
B	Have DHSMV communications directly sent to the Office POC so they can be addressed timely. We identified options such as: <ol style="list-style-type: none"> 1. Having all DHSMV communications sent directly to the Office. 2. Asking the DHSMV to carbon copy (cc) the Office on email communications sent to the County Administrator. 3. Having the County Administrator set up an Outlook rule to automatically route DHSMV email for the Office to the POC. 	Concur	Planned

Background

The Pinellas County Office of Consumer Protection is a County agency, under the Human Services Department, which provides services to County citizens. The department covers four key areas, Consumer Education, Consumer Mediation (Dispute Resolution), Regulatory Enforcement Services, and Criminal Investigations as detailed below:

Consumer Education Section:

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



Dispute Resolution Section:



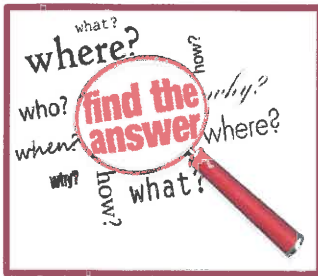
- Provides third-party assistance in solving disputes through mutually agreeable resolutions.
- Investigates and mediates consumer-business disputes. The mediation process is conducted through telephone contacts and informal hearings held in the office, consumer's residence, or business location.

Regulatory Enforcement Section:

- Enforces charitable solicitations ordinance.
- Licenses Adult Use establishments operating in unincorporated areas of Pinellas County.
- Licenses charitable, authorized organizations and all lessors who are involved in the conduct of Bingo.
- Regulates Pinellas County Towing, Price Gouging, Moving, and Fortunetelling ordinances



Criminal Investigations Section:



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

The Office of Consumer Protection is manned by a team of thirteen full time employees covering the sections 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, the Office 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, driving records, and vehicle title and registration data. The Office of Consumer Protection has entered into a Memorandum of Understanding (MOU) with the Florida Department of Highway Safety and Motor Vehicles (DHSMV) to access the DAVID database.

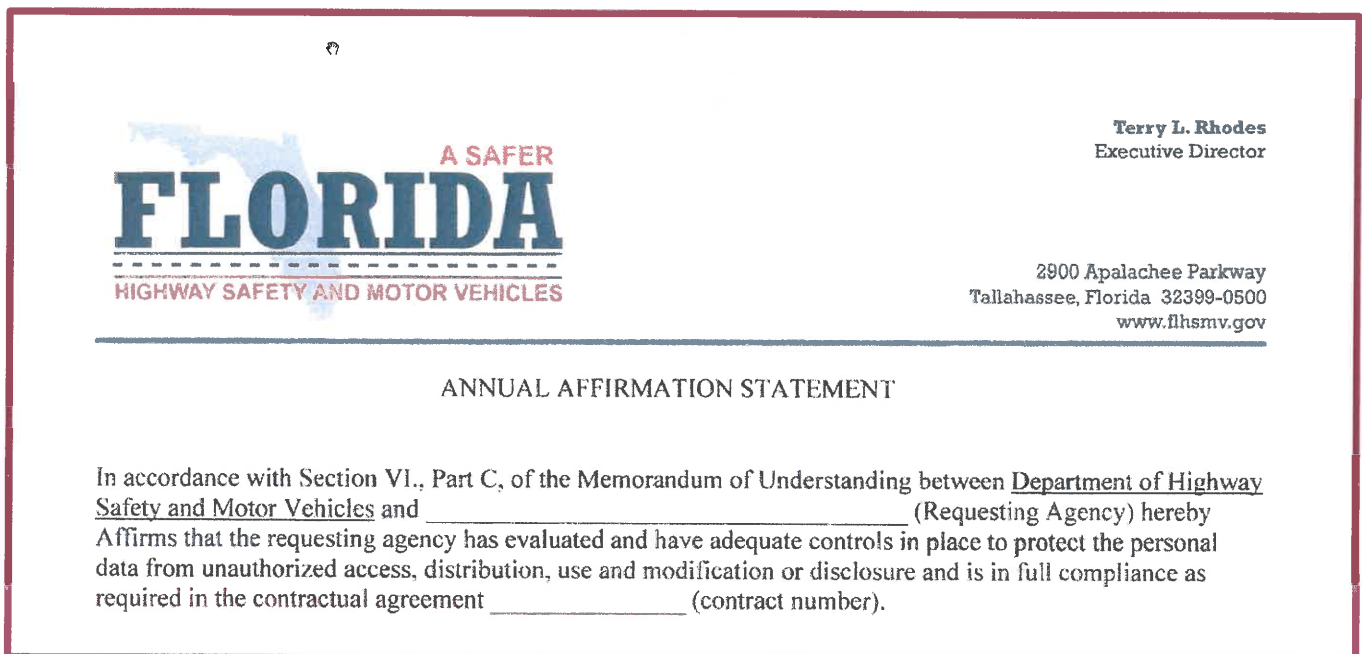
DAVID contains confidential personal information protected by Chapter 119 of the Florida Statutes and the Driver Privacy Protection Act. Consumer Protection staff access the DAVID database for lawful investigative activities associated with the investigation of consumer fraud complaints to identify complainants, suspects, and witnesses.

As part of their MOU, Contract No. HSMV-0388-15, the DHSMV requested that a Data Exchange MOU audit be performed for the Pinellas County Office of Consumer Protection. The agency was selected randomly to submit an attestation ensuring DAVID data is used in an appropriate manner. The attestation must be submitted to the DHSMV by May 21, 2017. The Office of Consumer Protection requested the Clerk of the Circuit Court's Division of Inspector General to perform the attestation engagement.

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. Consumer Protection Did Not Complete And Submit The Required Annual Affirmation Form To The DHSMV.



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ANNUAL AFFIRMATION STATEMENT

In accordance with Section VI., Part C, of the Memorandum of Understanding between Department of Highway Safety and Motor Vehicles and _____ (Requesting Agency) hereby Affirms that the requesting agency has evaluated and have adequate controls in place to protect the personal data from unauthorized access, distribution, use and modification or disclosure and is in full compliance as required in the contractual agreement _____ (contract number).

Section VI. Compliance and Control Measures of the Data Exchange MOU, Contract No. HSMV-0388-15, between The Florida DHSMV and the Office of Consumer Protection (formerly known as the Pinellas County Department of Justice and Consumer Services) reads:

"C. The Providing Agency shall receive an annual affirmation from the Requesting Party indicating compliance with the requirements of this agreement no later than 45 days after the anniversary date of this agreement."

The purpose of the annual affirmation is for the Requesting Party (the Office of Consumer Protection) to affirm to the Providing Agency (the DHSMV) that it has evaluated and has:

"...adequate controls in place to protect the personal data from unauthorized access, distribution, use and modification or disclosure and is in full compliance as required in the contractual agreement..."

During an interview with the Point of Contact (POC) for the Office of Consumer Protection, the IG inquired about annual affirmation submissions for the period of the current MOU (2014-2016.) The POC was not aware the Office was required to submit annual affirmations. The last submitted annual affirmation the Office has on record is one submitted for the year 2013. The POC explained that for the purpose of this MOU, the County Administrator's email is listed as the correspondence address for the Office. The Office did not receive any notification or reminder from the DHSMV.

Although the POC has diligently performed the Office's quarterly reviews for the duration of the MOU, failure to submit the annual affirmation form renders the Office non-compliant with the MOU. Overall, the audit revealed the Office has adequate controls in place to protect the personal data acquired through the DAVID system from unauthorized access, distribution, use and modification or disclosure.

We Recommend Management:

- A. Complete and submit the required annual affirmation form to the DHSMV within the time frame indicated in the MOU.
- B. Have DHSMV communications directly sent to the Office's POC so they can be addressed timely. We identified options such as:
 - 1. Having all DHSMV communications sent directly to the Office.
 - 2. Asking the DHSMV to carbon copy (cc) the Office on email communications sent to the County Administrator.
 - 3. Having the County Administrator set up an Outlook rule to automatically route DHSMV email for the Office to the POC.

Management Response:

- A. Management Concur. Consumer Protection will submit the required annual affirmation form within the time frame.
- B. Management Concur. Consumer Protection is exploring opportunities with DHSMV for dual notification procedures in order to be alerted to notifications, including adding a secondary contact to provide notification, as the current state notification is not always adequate to ensure deadlines are met.



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