



## *Internal Audit Report*

# LCCC Attestation for Florida Department of Highway Safety and Motor Vehicles (HSMV)



**Report Number:** 2019.20  
**Date:** November 20, 2019



**LCCC Attestation for Florida  
Department of Highway Safety and Motor  
Vehicles (HSMV)**



To: The Honorable Linda Doggett, Lee County Clerk of the Circuit Court & Comptroller

From: Tim Parks, Chief Internal Audit Officer/Inspector General

Date: November 20, 2019

Re: LCCC Attestation for Florida Department of Highway Safety and Motor Vehicles (HSMV)

Dear Ms. Doggett,

The Inspector General Department has completed an audit of LCCC Attestation for Florida Department of Highway Safety and Motor Vehicles (HSMV). Bharat Vallarapu, CISA, CIA, CRISC, CRMA, Senior Internal Auditor conducted this review.

This audit activity conforms to the Institute of Internal Auditor's (IIA) *International Standards for the Professional Practice of Internal Auditing (Red Book)* and the Association of Inspectors General (AIG) *Principles and Standards for Offices of Inspector General (Green Book)*.

The audit client's response is attached to this report. We wish to express our appreciation for the cooperation and assistance provided us by management and staff during this review.

This report will be posted to the Clerk of Courts website, [www.leeclerk.org](http://www.leeclerk.org), under Inspector General Audit Reports. A link to this report has been sent to the appropriate parties.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Tim Parks".

Tim Parks, CIA, CIG, CIGI  
Chief Internal Audit Officer/Inspector General  
Inspector General Department

TJP/GK



# LCCC Attestation for Florida Department of Highway Safety and Motor Vehicles (HSMV)



## Table of Contents

Executive Summary .....	1
Background .....	1
Objective, Scope, and Methodology .....	2
Observations and Recommendations .....	2



## LCCC Attestation for Florida Department of Highway Safety and Motor Vehicles (HSMV)



### Executive Summary

The LCCC Attestation audit of the Driver and Vehicle Information Database (DAVID) and Florida Department of Highway Safety and Motor Vehicles (HSMV) Data Exchange was included in the 2019 Lee County Clerk of Courts & Comptroller's (LCCC) Annual Audit Plan. The Inspector General Department (IG) completed a risk assessment project for all LCCC business units prior to creating the audit plan.

The IG Department conducted a review of compliance with the current Memorandum of Understanding (MOU). This MOU establishes the terms and conditions under which Highway Safety and Motor Vehicle (HSMV) provides access to driving records and transcripts to the judiciary for court purposes.

Our conclusion is that the LCCC users were performing their duties in a professional manner, and data was obtained and used in accordance to the Memorandums of Understanding (MOU). The IG Department's review and evaluation of internal controls over DAVID and Data Exchange information provided assurance that the Courts Department (Courts) and Department of Innovation and Technology (DoIT) protected HSMV Data from unauthorized access, distribution, use, modification or disclosure.

We recommend that enhancements be made by developing and implementing written policies and procedures, training users with access to Data Exchange information, and annually (or upon first access) have users sign an acknowledgement form, along with performing quarterly quality control reviews, and annual user access reconciliations.

### Background

The LCCC entered into two MOUs with the Florida HSMV. DoIT and Courts use DAVID and Data Exchange data to provide driving records and transcripts to the judiciary for court purposes.

#### *DRIVER AND VEHICLE INFORMATION DATABASE SYSTEM (DAVID) - HSMV-0211-19*

The LCCC entered into a MOU with the HSMV on August 15, 2018. The LCCC uses DAVID data to provide driving records and transcripts to the judiciary for court purposes.

#### *DATA EXCHANGE - HSMV-0266-19*

The LCCC entered into a MOU with the HSMV on November 19, 2018. The MOU allows access to data via the Driver's License and Motor Vehicle Database files (Data Exchange). LCCC uses and provides HSMV data to the judiciary for court purposes.



## LCCC Attestation for Florida Department of Highway Safety and Motor Vehicles (HSMV)



The HSMV required LCCC to complete an *Internal Controls and Data Security Audit* on the Data Exchange MOU by November 30, 2019.

### Objective, Scope, and Methodology

The objective of the attestation was to:

- Evaluate the internal controls over personal data obtained from DAVID and Data Exchange and to determine if controls are adequate to protect the personal data from unauthorized access, distribution, use, modification, or disclosure.
- Determine whether adequate internal controls exist over access, distribution, use, modification and disclosure of data exchanged under the DAVID MOU and Driver's License and/or Motor Vehicle Record Data Exchange MOU.

To accomplish the objectives we:

- Reviewed applicable laws, and regulations.
- Interviewed appropriate LCCC staff.
- Reviewed policies and procedures, the MOUs, and related documents.

The scope of the attestation included review and evaluation of internal controls for safeguarding personal data to ensure compliance with the MOUs. The time period reviewed was from November 01, 2018 to August 31, 2019.

The audit methodology was comprised of four steps:

- Preliminary Risk Assessment: Meeting was held with management to discuss the audit objective and scope.
- Planning: Audit procedures were developed based upon research, the audit objective and scope, and the preliminary meetings.
- Field Work: Management, IT staff, and employees were interviewed for insight on Operations. Evaluations and tests were conducted on operations and procedures to address and complete the audit fieldwork. The auditor discussed and verified preliminary observations and findings.
- Wrap-up: An Exit Conference was held with management to discuss and obtain responses to the initial audit issues.

### Observations and Recommendations

#### *Procedures governing the use of DAVID Information*



## LCCC Attestation for Florida Department of Highway Safety and Motor Vehicles (HSMV)



### DAVID

Court's management indicated that written internal procedures related to DAVID did not exist for the audit period under examination. There is an inherent risk that users might inadvertently share DAVID and Data Exchange information.

### DATA EXCHANGE

DoIT did not have written policies and procedures governing the use of Data Exchange systems including access, distribution, use, modification and disclosure of personal data during the audit period under examination.

### Recommendation

We recommend that Court and DoIT management establish and implement written policies and procedures governing the use of DAVID system, including access, distribution, use, modification and disclosure of personal data from the DAVID system.

### *Privileged access Acknowledgements*

Based on the review of the two HSMV MOUs:

- Key IT personnel with privileged access to the Data Exchange Database and IT systems should be instructed of, and acknowledge their understanding of the criminal sanctions specified in state law for unauthorized use of the data. It is a good practice, for these acknowledgements to be maintained in a current status by the DoIT Department.
- Key IT personnel with privileged access to Data Exchange Database and IT systems with access to the information exchanged under the terms of this agreement will be instructed of, and acknowledge their understanding of, the confidential nature of the information. It is a good practice these acknowledgements be maintained in a current status by the DoIT Department.

Since the employees were not trained or did not have acknowledgments about criminal sanctions or confidentiality at the time of review, there is an inherent risk that staff might inadvertently share DAVID and Data Exchange information.

### Recommendation

We recommend that all privileged DAVID/HSMV users and any IT support staff (i.e.: Flex Staff) with access to Data Exchange information sign annually or upon approval of user first



## **LCCC Attestation for Florida Department of Highway Safety and Motor Vehicles (HSMV)**



access, the *Criminal Sanctions and Confidentiality Acknowledgement* forms. Maintain these forms in compliance with applicable records retention schedules.

### ***Incident Reporting, Monitoring, and Quarterly Quality Reviews***

#### **DAVID**

There were no written policies and procedures for security incident reporting for misuse or unexplained access of the David data.

Quarterly Quality Control Reviews were not consistently performed.

#### **DATA EXCHANGE MOU**

There were no written policies and procedures for logging, monitoring, and security incidents reporting for the use of Data Exchange and Memorandum of Understanding (MOU) compliance.

Quarterly Quality Control Reviews were not consistently performed.

Documented logging and monitoring reviews help management to identify potential misuse and unexplained access of the Data Exchange/DAVID data by the privileged users.

#### **Recommendation**

We recommend quarterly quality control reviews be completed by Courts and DoIT for logging, monitoring, and incident reporting procedures to address the potential misuse of DAVID and Data Exchange information and ensure compliance with the MOU requirements.

### ***HSMV User Access Reviews***

There were no formal user access reviews to identify accounts that were assigned excessive privileges, accounts that have not been updated to reflect job positions changes, accounts that do not require password changes in accordance with LCCC IT Security Policy, and dormant accounts with access to DAVID/Data exchange.

Failing to perform user access reviews of David/Data Exchange information places LCCC at higher risk for:

- Separation of duties issues if an employee moves to new department, but retains DAVID/Data exchange privileges from the previous department.



## **LCCC Attestation for Florida Department of Highway Safety and Motor Vehicles (HSMV)**



- Misuse of dormant administrative accounts that are still active.
- DAVID system compromises through the use of Flex Staff passwords that might never expire.
- A terminated employee gaining remote access to DAVID data or Data Exchange information.

### **Recommendation**

We recommend that LCCC management perform annual user access reconciliation of all IT systems in use that contain DAVID or Data Exchange data (COURTS and DoIT).

The review would include DAVID/Data Exchange user access within all IT system in use at the LCCC, including but not limited to: network (Active directory), Court and IT applications (aiSmartBench, Odyssey), databases, and imaging systems. As a good practice, Courts and DoIT management would perform annual reviews of all DAVID access at a minimum.



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**COURT'S AUDIT RESPONSE**

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**TO:** TIM PARKS, CHIEF INTERNAL AUDIT/INSPECTOR GENERAL  
**FROM:** KEVIN KARNES, CHIEF OFFICER OF COURTS  
**SUBJECT:** LCCC ATTESTATION FOR FLHSMV AUDIT  
**DATE:** NOVEMBER 4, 2019  
**CC:** LINDA DOGGETT, CLERK OF COURT

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Mr. Parks,

The Courts Department thanks you for allowing us the opportunity to review the recommendations made regarding the HSMV attestation audit and for providing potential solutions to ensure our practices and procedures are compliant with the applicable expectations. Below is the detailed response the two recommendations made by your office along with the Courts response and compliance date.

- We recommend that Court and DoIT management establish and implement written policies and procedures governing the use of the DAVID system, including access, distribution, use, modification and disclosure of personal data from the DAVID system.
  - Courts Response: Although Courts does have a documented procedure that governs user access, we acknowledge there is a lack of documentation that supports day-to-day business. The Courts Policy Administrator will create a policy detailing the overall governance of the DAVID system and the Court Managers will create detailed procedures to support the usage of the system.
  - Compliance Date: January 2020
- We recommend quarterly quality control reviews be completed by Courts and DoIT for logging monitoring, and incident reporting procedures to address the potential misuse of DAVID and Data Exchange information and to ensure compliance with MOU requirements.
  - Courts Response: The completion of the quarterly control review process historically has been accurate and timely; however fell behind in 2018 due to an office restructure. The Operations Manager and Supervisor positions have been filled and have developed a practice to ensure this task is fulfilled within the expectations of the attestation. In addition, the list of DAVID users been culled and accounts decreased from 31 users to 20, which should make the quarterly control audits easier.
  - Compliance Date: November 2020

Thank you,

Kevin Karnes,  
Chief Officer of Courts  
Lee County Clerk of Courts  
Phone: 239.533.2559

To: Tim Parks, Chief Inspector General  
From: Lisa DiDonato, Chief Information Officer  
Date: November 18, 2019  
Re: LCCC Data Exchange Attestation for FLHSMV  
CC: Linda Doggett, Lee County Clerk of Circuit Court & Comptroller

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Mr. Parks,

The Department of Innovation and Technology (DoIT) thanks you for allowing us the opportunity to review the recommendations made regarding the HSMV attestation audit for Data Exchange and for providing potential solutions to ensure our practices and procedures are compliant with the applicable expectations. Below is the detailed response to the Data Exchange recommendations made by your office along with the IT Department's response and compliance time frames.

- 1) We recommend that Court and DoIT management establish and implement written policies and procedures governing the use of DAVID system, including access, distribution, use, modification and disclosure of personal data from the DAVID system.
  - a. DoIT's response: DoIT employees's do not have access to the DAVID system; however, we do have policy and procedures written and implemented as of October 10, 2019 that encompasses the Data Exchange information. These policies and procedures encompass access, distribution, use, modification and disclosure of personal data. DoIT's employees will be fully compliant by December 1, 2019.
- 2) We recommend that all privileged DAVID/HSMV users and any IT Support staff (i.e.: Vendor employees) with access to Data Exchange information sign annually or upon approval of user first access, the Criminal Sanctions and Confidentiality Acknowledgement forms. Maintain these forms in compliance with applicable records retention schedules.
  - a. DoIT's response: DoIT employees's do not have access to the DAVID system; however, we do have policy and procedures written and implemented as of October 10, 2019 that encompasses the Data Exchange information. These policies and procedures encompass a biennial acknowledgement review. DoIT's employees will be fully compliant by December 1, 2019.
- 3) We recommend quarterly quality control reviews be completed by Courts and DoIT for logging, monitoring, and incident reporting procedures to address the potential misuse of DAVID and Data Exchange information and ensure compliance with the MOU requirements.
  - a. DoIT's response: While we do have a procedure for quarterly reviews, we acknowledge there is a lack of documentation of when the reviews took place and by whom. The Department's Application Solutions Manager and the Infrastructure and Operations System Manager will incorporate an actual review log during their quarterly reviews. This will be in place during the next quarterly review, Q1 2020.