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CAROLYN TIMMANN

Clerk of the Circuit Court & Comptroller

Driver and Vehicle Information Database System (DAVID)

Audit Number: 2019-A-0002

Issued: March 21, 2019

Hank K. Nagel, CIA, CFE, CIGI
Internal Auditor

Summary

What We Did

We audited the Driver and Vehicle Information Database (DAVID) Memorandum of Understanding (MOU), dated September 10, 2018¹, between the Florida Department of Highway Safety and Motor Vehicles and the Martin County Clerk of the Circuit Court & Comptroller (“Clerk”).

What We Found

Generally, the internal controls over DAVID system records are adequate and protect personal data from unauthorized access, distribution, use, modification and/or disclosure; however, internal controls could be improved by establishing a written policy/procedure for using the DAVID system.

What We Recommend

We made one recommendation that, if implemented, will improve the Clerk’s internal control over personal information obtained from the DAVID system. Specifically, the Clerk should establish, or incorporate within an existing, a written documented policy/procedure for using the DAVID system. Procedures to consider include practices that reduce the risk of unauthorized access, distribution, use, modification and/or disclosure of personal data.

On March 15, 2019, Clerk Management submitted its response to the Audit Report (**Attachment A**). Management stated that it **agreed, in part**, with our recommendation; however, it offered that although its Policy 4 – Computer Access & Security does not specifically address DAVID procedures, it “does address general use of **computer equipment and internet access**” [emphasis added] by acknowledging that it “should only be used for officially authorized purposes. Other uses outside of the intended uses are subject to disciplinary action” and “[t]he network is continuously monitored for access violations.”

Although its Computer Access & Security policy addresses the general use of computer equipment and internet access, Management is reminded that specific controls are required to access the DAVID program.

¹ The previous Memorandum of Understanding was entered into on, or about, December 28, 2012.



Martin County Clerk & Comptroller

The Florida Constitution established the clerk of the circuit court as the local constitutional officer who serves as the public trustee for the county. In addition to serving as the clerk to the courts, the clerk provides a county level system of checks and balances through services as the county comptroller, clerk to the board of county commissioners, guardian of public and official records, clerk to the value adjustment board and internal auditor of county funds.

Internal audit activity is established as a responsibility of the clerk of the circuit court by Florida Constitution Article VIII, §1, cl.(d) as the “ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.” The internal audit activity is administered on the government operations of the Clerk, and its functional divisions, and the Martin County Board of County Commissioners, and its functional divisions, as specified in the State Constitution, State Statutes and decisions and opinions of the State Judiciary.

Background

The Clerk entered into a MOU with the Florida Department of Highway Safety and Motor Vehicles to obtain personal data from the DAVID system. The DAVID system permits authorized users to retrieve driver information such as driver license number, status, address, motor vehicle history, vehicle model and license plate/marine vessel number.

The Clerk uses the DAVID system for an array of records related to carrying out its government functions, including but not limited to, verifying tag and driver license numbers, verifying names associated with parking tickets and verifying addresses for court related correspondence.

Audit Objectives

The Clerk is responsible for establishing and implementing a system of internal control designed to provide reasonable assurance regarding the achievement of organizational objectives. Internal Auditing is an “independent, objective assurance and consulting activity designed to add value and improve an organization’s operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined



approach to evaluate and improve the effectiveness of risk management, control and governance processes.”²

This project was initiated to assess the following **objectives**:

1. DAVID system information is being handled in accordance with Chapter 119, Florida Statutes, and The Driver’s Privacy Protection Act , 8 U.S.C. §2721.
2. DAVID system authorization is being adequately managed.
3. Adequate physical security exists to ensure that confidential DAVID system information is not disclosed to, or accessed by, unauthorized parties.

Audit Scope

The **scope** of this project is to review access to the DAVID system during the period of January 1, 2018 through December 31, 2018. Additionally to assess if the recommendations accepted by management in Audit Report 2015-A-0001 have been implemented.

Audit Methodology

Audit **procedures** included, but were not limited to:

1. Evaluating internal control procedures over access, distribution, use, modification and disclosure of DAVID system records;
2. Evaluating compliance with applicable policies, procedures and practices;
3. Reviewing usage of authorized users of the DAVID system to ensure that personal data was not subject to unauthorized access, distribution, use, modification or disclosure.
4. Assessing if corrective action has been implemented for prior recommendations; or that management has accepted an appropriate level of risk.

² International Professional Practices Framework, definition of Internal Auditing.

The audit was planned and performed to obtain sufficient, appropriate evidence to provide a reasonable basis for our comments and conclusion based upon the audit objectives. This audit report is intended to provide management, and those charged with governance and oversight, with information to improve program performance and operations, reduce cost, facilitate decision making by parties with responsibility to oversee or initiate corrective action and contribute to public accountability. We believe that the evidence obtained provides a reasonable basis for our comments and conclusions based upon our stated objectives.

Review of Prior Findings/Observations

The following Recommendations were issued in Audit Report 2015-A-0001:

Recommendation (1): The Clerk should establish a written policy/procedure for using the DAVID system. The policy/procedure should include practices that reduce the risk of unauthorized access, distribution use, modification and/or disclosure of personal data. *Corrective Action Not Implemented – see Observation 1*

Recommendation (2): The Clerk should implement a tracking system for DAVID system records that are accessed but cannot easily be sourced to a legitimate (court) purpose. *Corrective Action Implemented.*

Recommendation (3): The Clerk should ensure that DAVID system access rights are timely updated upon separation or reassignment of staff. *Corrective Action Implemented.*

Recommendation (4): The Clerk should review DAVID system access rights and ensure that it is restricted to the minimum number of users needed for operational functionality. *Corrective Action Implemented.*

Recommendation (5): The Clerk should review DAVID system access rights and determine if access by users with little or no activity is necessary. *Corrective Action Implemented.*

Recommendation (6): The Clerk should review DAVID system access rights and, if appropriate, terminate the access of users who have not completed the mandatory training/testing. *Corrective Action Implemented.*

Observations and Recommendations

Observation (1)

The Martin County Clerk of the Circuit Court & Comptroller does not have a written policy/procedure for using the Driver and Vehicle Information Database.

Criteria

The Committee of Sponsoring Organizations of the Treadway Commission (COSO) created the *Internal Control – Integrated Framework*, consisting of 5 internal control components: Control Environment; Risk Assessment; Control Activities; Information and Communication; and Monitoring.

Relative to our discussion is control activities which are considered to be policies and procedures established by management to help ensure its directives are achieved. A **policy** is a stated principal that requires, guides, or restricts action. Policies should be:

- Clearly stated in writing in systematically organized handbooks, manuals, or other publications and should be properly approved.
- Communicated to all officials and appropriate employees.
- Conform to applicable laws and regulations.
- Designed to promote the conduct of authorized activities in an effective, efficient and economical manner.
- Periodically reviewed and revised when circumstances change.

In contrast, **procedures** are methods employed to carry out activities in conformity with prescribed policies. In addition to

the principles applicable to policies, the following apply to procedures:

- To reduce the possibility of fraud and error, procedures should be coordinated so that one employee's work is checked by another who is independently performing separate duties.
- For non-mechanical operations, procedures should not be so detailed as to stifle the use of judgement.
- Procedures should not be overlapping, conflicting or duplicative.
- Procedures should be periodically reviewed and improved as necessary.

Internal Audit Review

Similar to Audit Report 2015-A-0001, Clerk staff acknowledged that it does not have a separate written policy/procedure for using the DAVID system.

However, since our previous audit the Clerk instituted the following risk mitigation measures associated with the DAVID system:

1. Reducing the number of active users from 20 to 4; and,
2. Requesting that Clerk staff, where possible, use the DAVID system as a secondary source of information for court-related purposes.

Recommendations

1. The Clerk should establish, or incorporate within an existing, a written documented policy/procedure for using the DAVID system. Procedures to consider include practices that reduce the risk of unauthorized access, distribution, use, modification and/or disclosure of personal data.

Management Response:

Clerk Management stated that it agreed, in part, with our recommendation; however, it offered that although its Policy 4 – Computer Access & Security does not specifically address DAVID procedures, it “does address general use of **computer equipment and internet access**” [emphasis added] by acknowledging that it “should only be used for officially authorized purposes. Other uses outside of the intended uses are subject to disciplinary action” and “[t]he network is continuously monitored for access violations.”

Internal Audit Comment:

Although its Computer Access & Security policy addresses the general use of computer equipment and internet access, Management is reminded that specific controls are required to access the DAVID program.

Acknowledgement

Internal Audit staff would like to extend our appreciation to the Martin County Clerk & Comptroller’s staff for the cooperation and courtesies extended to us in the completion of this project.

ATTACHMENT A – PAGE 1



Carolyn Timmann
Clerk of the Circuit Court & Comptroller
Martin County, Florida

DATE: March 15, 2019
TO: Hank K. Nagel, CIA, CIGI, CFE, Internal Auditor
FROM: Thomas Harmer, Chief Deputy – Court Management *TH*
SUBJECT: DAVID – Memorandum of Understanding
Audit Report: 2019-A-0002 (Management Response)

The findings in your audit produced the following recommendation:

The Clerk should establish, or incorporate within an existing, a written documented policy/procedure for using the DAVID system. Procedures to consider include practices that reduce the risk of unauthorized access, distribution, use, modification and/or disclosure of personal data. – Agreed, as noted below.

While we agree that the current policy (Policy 4 – Computer Access & Security) does not specifically address DAVID procedures, the current policy does address general use of computer equipment and internet access, and specifically says they “*should only be used for officially authorized purposes. Other uses outside of the intended uses are subject to disciplinary action.*” Additionally, the current policy states “*The network is continuously monitored for access violations.*”

Nevertheless, a re-write of the current policy does include the following section, specifically addressing the use of the DAVID program:

VII. DAVID Access

- A. Individual employees will be assigned DAVID (Driver’s And Vehicle Information Database) based on their position within the Clerk’s Office.
- B. Employees with DAVID access must complete the online DAVID training.
- C. The employee is responsible for maintaining their login and password for DAVID, updating it as required and will never share this information with another person.
- D. Upon utilizing DAVID, the employee should review any messages on the home page under the heading “Announcements”.
- E. When conducting a search using DAVID, employees must select the appropriate reason code.
- F. Information accessed through DAVID is confidential in nature. Negligent use, improper use, unauthorized use or unauthorized dissemination of DAVID information will not be tolerated and may result in disciplinary action, up to and including termination. FLHSMV will also be notified via email and mail by the office’s DAVID administrator immediately if an incident occurs.

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- G. Printed DAVID information must be stored in a place physically secure from access by unauthorized persons and when necessary, disposed of by utilizing an on-site shredder. DAVID information is not to be placed in a shredder bin to be handled by the off-site shredder company.

Other modifications to the current policy are also occurring, and when these are complete, the policy will be reviewed and released to staff.