



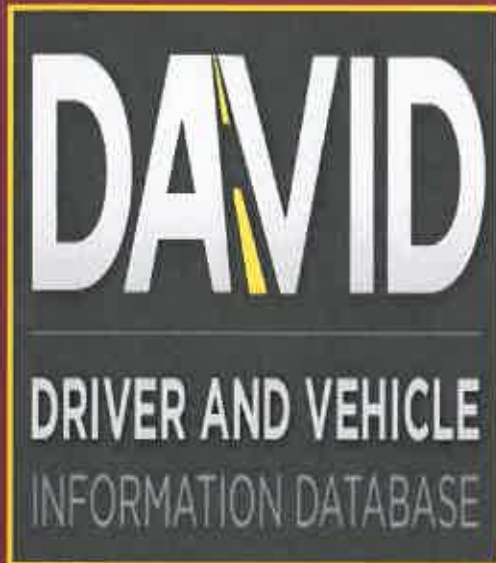
## DIVISION OF INSPECTOR GENERAL

KEN BURKE, CPA

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

PINELLAS COUNTY, FLORIDA

# AUDIT OF CLERK OF THE CIRCUIT COURT'S INTERNAL CONTROLS OVER DAVID INFORMATION



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JULY 23, 2015  
REPORT NO. 2015-24



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July 23, 2015

The Honorable Ken Burke  
Clerk of the Circuit Court and Comptroller

We have conducted an audit of the Clerk of the Circuit Court's Internal Controls Over DAVID Information. Our audit objectives 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.

We conclude that except for the lack of formal written policies and procedures related to the DAVID system access and data, internal controls are adequate to protect DAVID 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 Court and Operational Services Division during the course of this review. We commend management for their responses to our recommendations.

Respectfully Submitted,

Hector Collazo Jr  
Inspector General/Chief Audit Executive



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# INTRODUCTION

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## *Synopsis*

Internal controls over Driver and Vehicle Information Database (DAVID) personal data need improvement; however, we found no instances of unauthorized access, distribution, use, modification, or disclosure. The Clerk's Office is utilizing DAVID information for appropriate business functions.

## *Scope and Methodology*

We examined the internal controls used to protect personal data in the DAVID information portal from unauthorized:

- Access
- Distribution
- Use
- Modification
- Disclosure

The objectives of our audit were to determine if:

1. Adequate policies and procedures are in place addressing DAVID access, distribution, use, modification, and disclosure.
2. Access to the DAVID system is adequately managed.
3. Appropriate logging and monitoring tools are used to manage DAVID access and use.
4. 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 individuals 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 January 1, 2014 through August 31, 2014. However, transactions and processes reviewed were not limited by the audit period.

## ***Overall Conclusion***

Except for the lack of formal written policies and procedures related to DAVID access and data, internal controls are adequate to protect DAVID personal data from unauthorized access, distribution, use, modification, or disclosure.

1. The Clerk's Office does not have formal written policies and procedures related to the DAVID system to assure compliance to Sections V, *Safeguarding Information*, and VI, *Compliance and Control Measures* requirements of the Memorandum of Understanding. Clerk's staff with access to DAVID did not complete the required Confidential Acknowledgement and Criminal Sanctions Acknowledgement forms.
2. Oversight of DAVID access by the Point of Contact to assure user access is authorized and used in the performance of their job responsibilities needs improvement. Procedures need to be documented and adhered to granting, updating, and administering access to DAVID. Clerk's management was unable to provide documentation of required quarterly quality control reviews when requested. However, since discussing this issue with management, a quarterly quality control review was performed and documentation retained.
3. Our testing found that use of DAVID information was for legitimate Clerk's Office business purposes and the required annual affirmations are being completed and submitted to the Department of Highway Safety and Motor Vehicle timely.
4. Adequate physical and logical security exists to protect confidential DAVID information from unauthorized access and use.

## Action Plan

FINDING NO.	FINDING (CAPTION) RECOMMENDATIONS	MANAGEMENT RESPONSES			IMPLEMENTATION STATUS	
		Concur	Partially Concur	Do Not Concur	In Progress	Planned
1	<b>Formalized Policies And Procedures Addressing DAVID Access Do Not Exist.</b>					
	Establish formal written policies and procedures addressing DAVID access, distribution, use, modification, and disclosure. The policies and procedures should also address reporting security incidents immediately to the DHSMV including what occurred, the date and the number of records affected, if individuals affected have been notified of corrective actions, and the date these actions will be completed.	✓			✓	
2	<b>DAVID User Access Is Not Updated Timely.</b>					
A	Immediately remove DAVID access for the two individuals identified as no longer with the Clerk's office.	✓			✓	
B	Update DAVID user access permissions upon termination or reassignment within five working days and immediately upon discovery of negligent, improper, or unauthorized use or dissemination of information.	✓			✓	
3	<b>Required Quarterly Quality Control Reviews Are Not Conducted.</b>					
	Conduct required quarterly quality control reviews of DAVID user access and retain documentation of these reviews for, at a minimum, the length of the MOU.	✓			✓	

Introduction  
**Clerk of the Circuit Court's Internal Controls Over DAVID Information**

FINDING NO.	FINDING (CAPTION) RECOMMENDATIONS	MANAGEMENT RESPONSES			IMPLEMENTATION STATUS	
		Concur	Partially Concur	Do Not Concur	In Progress	Planned
4	<b>DAVID Confidentiality And Criminal Sanctions Acknowledgements Were Not Completed.</b>					
	Each staff member with access to DAVID complete the Confidential Acknowledgement and Criminal Sanctions Acknowledgement forms and update annually. Management was provided with copies of the forms.		✓		✓	

# Background

The Clerk of the Circuit Court & Comptroller is a Constitutional Officer who derives authority and responsibility from constitutional and statutory provisions. The Clerk is elected to serve a four-year term by the voters of Pinellas County. The Clerk employs about 550 employees and is assigned the following duties with a budget of approximately \$43 million:

1. As Clerk of the Circuit Court & Comptroller:
  - Maintains custody of court records
  - Maintains custody of all related pleadings filed
  - Secures evidence entered in court
  - Ensures integrity of court files is protected
  - Collects and disburses court fines and assessments and court ordered child support
  - Summons prospective jurors
  
2. As Recorder of Deeds:
  - Maintains official records of Pinellas County and ensures their integrity is protected
  
3. As Clerk and Accountant of the Board of County Commissioners:
  - Maintains official records of the Board
  - Maintains county financial records and prepares financial reports
  
4. As Custodian of all county funds:
  - Receives and records county revenue
  - Invests county funds
  - Pre-audits and processes county payments
  
5. As County Auditor:
  - Performs comptroller function in pre-audit of invoices before payment
  - Performs internal audits on county departments
  
6. As an Elected Official:
  - Delivers quality service in the most cost effective manner
  - Serves as a trustee in handling collection and disbursements of funding for numerous agencies
  - Serves as "watchdog" for citizens of Pinellas County to ensure funds expended are only for a public purpose and for the benefit of the public as a whole



To fulfill these varied duties, the Clerk has established several divisions as follows:

1. Clerk's Administration
2. Clerk's Technology
3. Court and Operational Services
4. Finance
5. Inspector General

The Court and Operational Services Division is responsible for a myriad of functions including:

1. Civil Court Records
2. Clerk's Customer Information Center
3. Criminal Court Records
4. Criminal Court Customer Service
5. Branch Operations (North County, St. Petersburg, and Tyrone)

To fulfill each of the above areas' responsibilities, the Clerk has entered into a Memorandum of Understanding (MOU) with the Florida Department of Highway Safety and Motor Vehicles (DHSMV), dated April 29, 2009, to access the Driver and Vehicle Express (DAVE) system. DAVE is a multifaceted database that affords retrieval of driver information such as information about driver licenses, driver records, and vehicle title and registration data. Clerk's staff accesses DAVE to fulfill their duties, such as looking up vehicle registration information when processing indigent determination forms, assisting customers with traffic citation questions, and performing Inspector General investigations. DAVE contains confidential personal information protected by Chapter 119 of the Florida Statutes and the Driver Privacy Protection Act.

As of June 2014, the DAVE system was retired and users migrated to the Driver and Vehicle Information Database (DAVID). DAVE and DAVID both provide secure web-based access to driver license identity information, driver license transactions, driver license records and vehicle titles and registrations. The Pinellas County Clerk's Office DAVID implementation date was January 3, 2014.

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# OPPORTUNITIES FOR IMPROVEMENT

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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. Formalized Policies And Procedures Addressing DAVID Access Do Not Exist.**

The Clerk's Office does not have formal written policies and procedures related to DAVID access and data. Policies and procedures should be written to reflect the detailed internal control requirements for DAVID, including procedures addressing monitoring performed by management and reporting of security incidents.

The MOU dated April 29, 2009 between the Pinellas County Clerk and the DHSMV for access to DAVID states in *IV. Statement of Work*:

*"B. The Requesting Party agrees to:*

- 5. Insure that its employees and agents comply with Section V. Safeguarding Information procedures of this MOU.*
- 7. Use the information received from the Providing Agency only for the purposes authorized by this agreement.*
- 8. Protect and maintain the confidentiality and security of driver license, motor vehicle, and traffic crash information received from the Providing Agency in accordance with this MOU and applicable state and federal law."*

The MOU in *VI. Compliance and Control Measures*, states:

*"B. Misuse of Personal Information -The Requesting Party must immediately notify the Providing Agency and the individual whose personal information has been compromised of any unauthorized access, distribution, use, modification, or disclosure. The statement to the Providing Agency must provide the date and the number of records affected by any unauthorized access, distribution, use, modification, or disclosure of personal information. Further, as provided in section 817.5681, Florida Statutes, the document must provide a statement advising if individuals whose personal information has been compromised have been notified and, if not, when they will be notified. The statement must include the corrective actions and the date these actions are completed by the Requesting Party. See Section XI for complete mailing address."*

Written policies and procedures provide guidance necessary to ensure departmental activities are performed properly, consistently, and at a required level of quality. The establishment of the procedures provides the opportunity for management to ensure that adequate process/internal controls have been established. It is management's responsibility to establish written internal procedures covering key department processes, such as access to DAVID. The procedures should be in sufficient detail to provide standard performance criteria and reduce the risk of misunderstanding and/or unauthorized deviations that could cause issues. The development of the procedures could prevent the establishment of unnecessary controls or steps that negatively affect process productivity. The procedures also support the cross training and back up for key staff functions.



**We recommend** management establish formal written policies and procedures addressing DAVID access, distribution, use, modification, and disclosure. The policies and procedures should also address reporting security incidents immediately to the DHSMV including what occurred, the date and the number of records affected, if individuals affected have been notified of corrective actions, and the date these actions will be completed.

**Management Response:**

Management concurs with the finding. These procedures are being developed and will be maintained by the Primary Point of Contact (POC) and the Alternate Point of Contact (POC) for the Clerk's Office. The policies and procedures will contain the requirement outlined by DHSMV in our MOU agreement.

## ***2. DAVID User Access Is Not Updated Timely.***

Procedures need to be documented and adhered to granting, updating, and administering access to DAVID. The DAVID user access authorization process ensures a defined, structured methodology is used to grant, remove, and change users' access. The control is the Point of Contact (POC) who is currently the Director of Court and Operational Services. It is the POC's responsibility to update user access permissions as necessary. The DAVID Training Presentation states, "Agencies and POCs [point of contacts] are responsible for granting access and will be held accountable."

We verified that each active DAVID user is a current Clerk's employee with a job classification that requires access. Of the 107 users listed as active in DAVID, two are no longer with the Clerk's office and their access should have been terminated.

1. Employee #1 (termination date June 24, 2014)
2. Employee #2 (termination date July 11, 2014)

There is no process or policies/procedures in place for updating DAVID user access, see Opportunity for Improvement No. 1. The MOU in *IV. Statement of Work*, states:

*"B. The Requesting Party agrees to:*

*10. Update user access permissions upon termination or reassignment of users within 5 working days and immediately update user access permissions upon discovery of negligent, improper, or unauthorized use or dissemination of information."*

Noncompliance with the MOU can result in termination of the agreement as stated in *X. Termination*:

*"A. This agreement may be terminated for cause by either party upon finding that the terms and conditions contained herein are not being followed. No written notice or notifying period will be required.*

*B. This agreement is subject to unilateral cancellation by the Providing Agency without notice for failure of the Requesting Party to comply with any of the requirements of the MOU and applicable Florida Statutes, including section 119.0712(2), Florida Statutes."*

**We recommend management:**

- A. Immediately remove DAVID access for the two individuals identified as no longer with the Clerk's office.
- B. Update DAVID user access permissions upon termination or reassignment within five working days and immediately upon discovery of negligent, improper, or unauthorized use or dissemination of information.

**Management Response:**

Management concurs with the finding. Management staff has been reminded that if an employee leaves the Clerk's Office, or moves into an area that no longer requires the access, the POC should be notified immediately via email.

Procedures will be included to detail what is required of the POC to handle these requests.

### ***3. Required Quarterly Quality Control Reviews Are Not Conducted.***

Clerk's management was unable to provide documentation of conducting quarterly quality control reviews for DAVID access. The purpose of these reviews is to ensure all DAVID users are appropriately authorized to access the system. The DHSMV provides a template to assist

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**QUARTERLY QUALITY CONTROL REVIEW REPORT**

➤ Complete the below report and ensure all actions are documented.

Quarter:	Year:
Total active users in DAVID:	
Total active users in agency records:	
Users Inactivated during quarter:	
Users audited during quarter:	
Total cases of misuse found:	
Total cases of misuse reported to DHSMV:	

\_\_\_\_\_  
POC Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
POC Name Printed:

management in conducting these reviews. The template includes tasks for keeping a record of new and revoked users and reporting DAVE misuse to the DHSMV within five working days.

The MOU in *IV. Statement of Work*, states:

*"B. The Requesting Party agrees to:*

- 10. Update user access permissions upon termination or reassignment of users within 5 working days and immediately update user access permissions upon discovery of negligent, improper, or unauthorized use or dissemination of information. Conduct quarterly quality control reviews to ensure all current users are appropriately authorized."*

Management stated that they performed the quarterly quality control reviews, but could not locate the documentation. However, since discussing this issue with management, a quarterly quality control review was performed and documentation retained. Non-compliance with the MOU may result in termination if the terms and conditions in the agreement are not followed as stated in *X. Termination*:

*"A. This agreement may be terminated for cause by either party upon finding that the terms and conditions contained herein are not being followed. No written notice or notifying period will be required.*

*B. This agreement is subject to unilateral cancellation by the Providing Agency without notice for failure of the Requesting Party to comply with any of the requirements of the MOU and applicable Florida Statutes, including section 119.0712(2), Florida Statutes."*

**We recommend** management conduct required quarterly quality control reviews of DAVID user access and retain documentation of these reviews for, at a minimum, the length of the MOU.

**Management Response:**

Management concurs with the findings. These procedures will be a part of the written policies and procedures for the POCs in the Clerk's Office. The required forms and documentation will be outlined and procedural reference in the MOU will be included for clarification.

#### **4. DAVID Confidentiality And Criminal Sanctions Acknowledgements Were Not Completed.**

Clerk's staff with access to DAVID did not complete the required Confidential Acknowledgement and Criminal Sanctions Acknowledgement forms.

Management stated they were not aware of the forms. The MOU in *V. Safeguarding Information*, states:

*"D. All personnel 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. These acknowledgements must be maintained in a current status by the Requesting Party.*

*E. All personnel with access to the information will be instructed of, and acknowledge their understanding of, the criminal sanctions specified in state law for unauthorized use of the data. These acknowledgements must be maintained in a current status by the Requesting Party."*

Non-compliance with the MOU may result in termination if the terms and conditions in the agreement are not followed. The MOU in *X. Termination*, states:

*"A. This agreement may be terminated for cause by either party upon finding that the terms and conditions contained herein are not being followed. No written notice or notifying period will be required.*

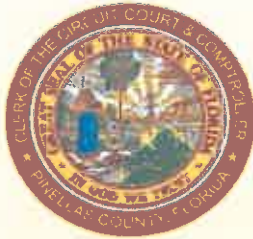
*B. This agreement is subject to unilateral cancellation by the Providing Agency without notice for failure of the Requesting Party to comply with any of the requirements of the MOU and applicable Florida Statutes, including section 119.0712(2), Florida Statutes."*

**We recommend** each staff member with access to DAVID complete the Confidential Acknowledgement and Criminal Sanctions Acknowledgement forms and update annually. Management was provided with copies of the forms.

**Management Response:**

Management partially concurs with the findings. When an employee is provided access to the system, the employee is required to sign the request for access form that is signed by the manager and/or supervisor. The request is forwarded to the POC to add the employee to the system on the current request form.

Management concurs with this portion of the recommendation. In the information for DAVID, more detailed Confidential Acknowledgement and Criminal Sanction forms are provided and these forms are what are recommended for each employee with access to sign annually as a renewal process.



# DIVISION OF INSPECTOR GENERAL

KEN BURKE, CPA  
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