



JUAN FERNANDEZ-BARQUIN
MIAMI-DADE COUNTY
CLERK OF THE COURT AND COMPTROLLER

Audit Management



Final Audit Report:
DAVID Quarterly Quality Control Review
April 1, 2024 – June 30, 2024

October 21, 2024



Audit Management

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October 21, 2024

The Honorable Juan Fernandez-Barquin
Clerk of the Court and Comptroller, Miami-Dade County

We performed a quarterly quality control review of certain user activity of the *Driver and Vehicle Information Database (DAVID)* system for the period April 1, 2024 to June 30, 2024.

A summary of the results are presented in this Final Audit Report.

We appreciate the courtesies and assistance extended to the auditors during the course of this review. Please contact me should you have any questions or require additional information.

Respectfully submitted,

Luis Soler
Court Audit Operations Manager
Audit Management

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Barbara Rodriguez, Chief of Staff
Barbara Galvez, Director of Administrative Services
Sandra Bazile, Senior Deputy Clerk
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cc: Doreen Ruggiero, Senior Deputy Clerk
Liza Saboya-Fernandez, Director, Office of Strategic Management and Budget
Jacqueline Williams, Clerk's Finance Director, Finance Division
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Milagros Irene, Clerk's Assistant Finance Director
Santiago Alfonso, Operations and IT Manager, Parking Violations Bureau



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EXECUTIVE SUMMARY

Audit Management performed a quarterly quality control review pursuant to the *Memorandum of Understanding for Governmental Entity Access to Driver and Vehicle Information Database (DAVID)*, with the Florida Department of Highway Safety and Motor Vehicles (FLHSMV). Also evaluated were the internal controls governing the use and dissemination of personal data to determine if they are adequate to protect the data from unauthorized access, distribution, use, modification or disclosure pursuant to the *Memorandum of Understanding for Driver's License and/or Motor Vehicle Record Data Exchange*. To perform the audit, we reviewed certain DAVID user-activity for the period April 1, 2024 to June 30, 2024.

During the review, auditors determined that adequate internal controls governing the use and dissemination of personal information are in place to protect DAVID data from unauthorized access, distribution, use, modification, or disclosure. Although no evidence of systematic irregularities or impropriety of driver license and/or motor vehicle information was discovered, auditors noted that one user in the Traffic and Misdemeanor Court Division accessed information prohibited pursuant to the Clerk of the Court and Comptroller's (COCC) DAVID Confidentiality Acknowledgement Form.

Upon notification, Division supervisory personnel reminded the employee of the directives and restrictions listed in their signed DAVID Confidentiality Acknowledgement Form, which they acknowledged and signed during the past two consecutive fiscal years. This was the first such infraction for this employee. No further action needed.



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PURPOSE AND SCOPE

A quarterly quality control review was performed pursuant to the *Memorandum of Understanding for Governmental Entity Access to Driver and Vehicle Information Database (DAVID)* system, with the Florida Department of Highway Safety and Motor Vehicles (FLHSMV), *Contract Number HSMV-0431-19, as Amended, dated April 5, 2019 (Database MOU)*.

Also evaluated were the internal controls governing the use and dissemination of personal data to determine if they are adequate to protect the data from unauthorized access, distribution, use, modification or disclosure pursuant to the *Database MOU*, as well as the *Memorandum of Understanding for Driver's License and/or Motor Vehicle Record Data Exchange, Contract Number HSMV-0809-22, as Amended, dated March 14, 2022 (Data Exchange MOU)*. The *Database MOU* and the *Data Exchange MOU* are collectively referred to as the *MOUs*.

To perform the audit, we reviewed certain DAVID user-activity for the period April 1, 2024 to June 30, 2024.



BACKGROUND

Pursuant to the *MOUs*, the FLHSMV provides electronic access to driver license and motor vehicle information through DAVID or Driver's Transcript Web Service, and/or Batch Access and/or Penny Vendor DL Web Service. The Clerk of the Court and Comptroller (Clerk) uses its in-house-developed Simultaneous Paperless Image Retrieval Information Technology (SPIRIT) system to access the driver license and motor vehicle information through the FLHSMV's Driver's Transcript Web Service, Batch Access, and/or Penny Vendor DL Web Service.

Driver license and motor vehicle information accessed from the FLHSMV is confidential and protected under the Driver's Privacy Protection Act and must be handled accordingly. Unauthorized access, use or disclosure of the information may result in penalties, civil lawsuits and violations of criminal law. Unauthorized use includes, but is not limited to, queries not related to a legitimate business purpose, personal use, and dissemination, sharing, copying, or passing of driver license and motor vehicle information to unauthorized users.

Unauthorized use may result in civil proceedings against the Clerk and/or user. Violations or misuse may also subject the user and the Clerk to administrative sanctions and possible disciplinary action, which may result in DAVID access termination. The FLHSMV may terminate the *MOUs* without notice for failure to comply with any of the requirements and applicable laws. Therefore, activity associated with any aspect of use of information obtained from DAVID is subject to detailed monitoring and audits to protect against unauthorized use. Information obtained from the FLHSMV may be solely used for the purposes granted and may only be disclosed as authorized by state law.

Pursuant to the Clerk's DAVID Internal Control Policies and Procedures Manual, the Clerk has designated Points of Contact (POCs) in each Division/Section whose employees access DAVID as part of their job functions. The POCs are the gatekeepers between the Division/Section, Technical Services Division (TSD) and the FLHSMV. POCs are required to perform Quarterly Quality Control Reviews (QQCR) to monitor usage, ensure users are appropriately authorized, and have annually acknowledged their understanding of the confidential nature of the information and the possible criminal sanctions imposed for the unauthorized disclosure or use of the data. During their review, POCs are required to look for signs of misuse, including reason codes regarding why an individual was searched; accessing information of siblings, spouses, ex-spouses, celebrities, and political figures; times of day the data was accessed; repeated access of the same record; and unexplained access to Emergency Contact Information. Each POC is required to submit QQCR reports to Audit Management for review. Audit Management also performs an independent review to ensure compliance.



SUMMARY RESULTS

The following DAVID “Agency Reports” were accessed during our independent review; The *List of POC Contact Information*, which provides all active POCs by location. The *Users by Status*, which provides the total Active, Inactive, and Locked users by location for the period under review. The *Users by Agency* Report provides a listing all users by Division/Section and includes the User’s Full Name, Username, User Status (Active, Inactive or Locked), Current Status Date, Last Sign-in Date, Training Completion Date, and the User ID of the employee who added the user. In addition, the DAVID “Audit Report” titled, “*User Activity Report*” which provides the User Location, User Full Name, Username, IP Address, Time Accessed, Purpose Code, Page Viewed, Search Field and Search Value was also accessed and used to select user transactions to conduct detailed reviews.

As part of the review, each POC’s QQCR reports were audited for the period from April 1, 2024 to June 30, 2024. Comparison of the three DAVID Agency Reports were conducted to reconcile any differences, and then the *User Activity Report* was utilized to randomly pull cases by month for each user provided by the POC, as reflected in Table I below. The information (i.e., driver’s license number, case number, tag number) was also reviewed in the Traffic System, Criminal Justice System, Parking Violations System and/or SPIRIT, to ensure the employee accessed valid cases.

Table I
Summary of COCC Transactions Reviewed by Division/Section
April 1, 2024 - June 30, 2024

| Division/Section | Number of Authorized Users | Total Cases |
|-------------------------------|---------------------------------------|--------------------|
| Criminal Felony Court | 8 | 6 |
| District Courts | 25 | 21 |
| Juvenile Court | 3 | - |
| Parking Violations Bureau | 19 | 47 |
| Traffic and Misdemeanor Court | 25 | 32 |
| Total | 80 | 106 |

Source: POC, QQCR, DAVID, CJIS, TRFAMENU and PVSA



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Auditors also looked for possible misuse(s) including, but not limited to, purpose codes utilized, time of day the information was accessed, repeated access of the same record, unexplained access of Emergency Contact Information, accessing siblings, spouses, ex-spouses, celebrities, or political figures, as required by the MOU. Further, as reflected in Table II below, auditors reviewed for reasonableness at one hundred percent, all active users' activity to identify any instances that included customers with the same or similar last name.

Table II
Number of Transactions in DAVID Division/Section
April 1, 2024 - June 30, 2024

| Division/Section | Total Transactions | Number of Users Processing Transactions |
|---|---------------------------|--|
| Clerk of Courts (TSD and AM) ¹ | - | - |
| Criminal Felony Court | 302 | 2 |
| District Courts | 689 | 17 |
| Juvenile Court | - | - |
| Parking Violations Bureau | 14,327 | 17 |
| Traffic and Misdemeanor Court | 12,642 | 23 |
| Total | 27,960 | 59 |

Source: DAVID

¹ TSD=Technical Services Division; AM=Audit Management

During the review, auditors determined that adequate controls are in place to protect personal data from unauthorized access, distribution, use, modification, or disclosure. Although no evidence of systematic irregularities or impropriety of driver license and/or motor vehicle information was discovered, auditors noted that one user in the Traffic and Misdemeanor Court Division accessed information pertaining to themselves. Upon notification, Division supervisory personnel found no justifiable purpose for this search and reminded the employee of the directives and restrictions stipulated in the COCC's DAVID Confidentiality Acknowledgement Form, which the employee acknowledged and signed during the past two consecutive fiscal years. This was the first such infraction for this employee. No further action needed.



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MIAMI-DADE COUNTY
CLERK OF THE COURT AND COMPTROLLER

Traffic and Parking
Civil, Family Court and Marriage
Criminal Court
Jurors
Home and Property
Records
Clerk of the Board

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Audit Management

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