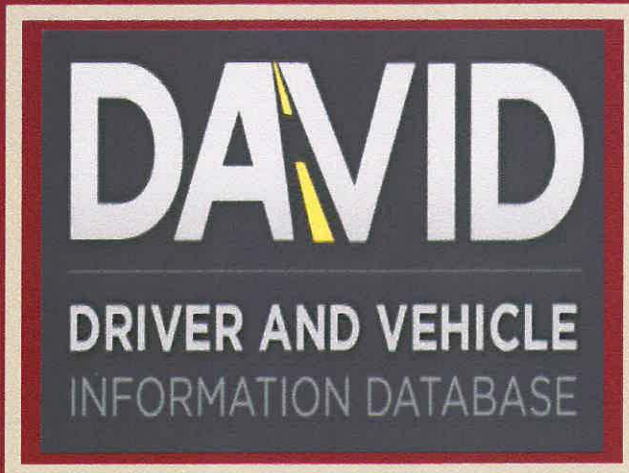
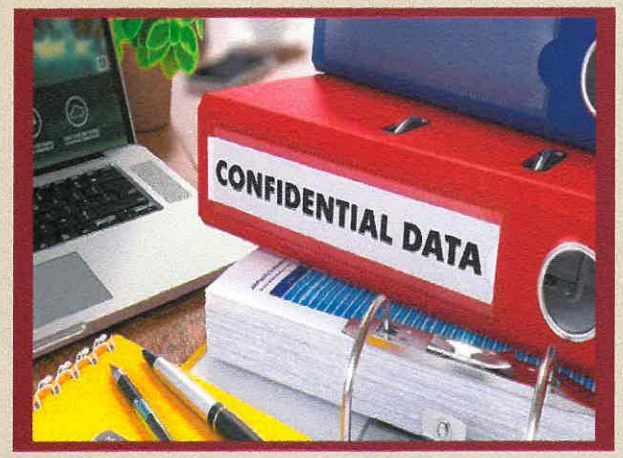
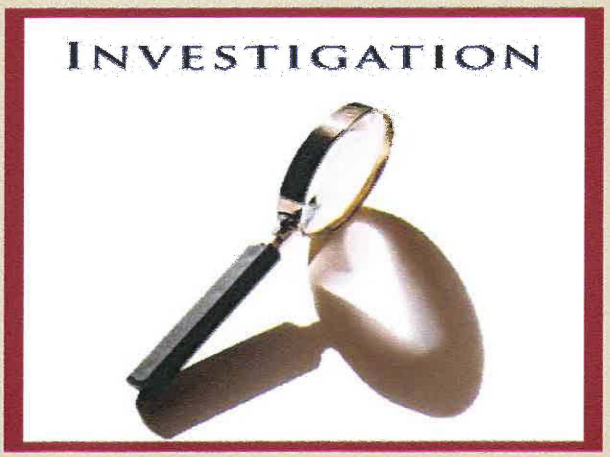
DIVISION OF INSPECTOR GENERAL
Ken Burke, CPA
Clerk of the Circuit Court and Comptroller
Pinellas County, Florida

FOLLOW – UP AUDIT OF CONSUMER PROTECTION'S INTERNAL CONTROLS OVER DAVID INFORMATION







Hector Collazo Jr. - Inspector General/Chief Audit Executive

Audit Team
Ava Sadowska, MS, CIA, CFE, CIG, CIGA, CIGI, CCA, CFS – Assistant Inspector General
Darcy Eckert, CIGA, CIGI – Inspector General II

REPORT NO. 2018-22
September 20, 2018

Ken Burke, CPA
CLERK OF THE CIRCUIT COURT AND COMPTROLLER
PINELLAS COUNTY, FLORIDA

Division of Inspector General
510 Bay Avenue
Clearwater, FL 33756
Telephone: (727) 464-8371
Fax: (727) 464-8386
Fraud Hotline: (727) 45FRAUD (453-7283)
Clerk's website: www.mypinellasclerk.org

Clerk of the County Court
Recorder of Deeds
Clerk and Accountant of the Board of County Commissioners
Custodian of County Funds
County Auditor

September 20, 2018

The Honorable Chairman and Members of the Board of County Commissioners

We have conducted a Follow-Up Audit of Consumer Protection's Internal Controls Over DAVID Information. The objectives of our review were to determine the implementation status of our previous recommendations.

Of the two recommendations contained in the audit report, we determined that both have been implemented. The status of each recommendation is presented in this follow-up review.

We appreciate the cooperation shown by the staff of Consumer Protection during the course of this review.

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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TABLE OF CONTENTS

	Page
Introduction	4
Status of Recommendations	8
1. Consumer Protection Did Not Complete And Submit The Required Annual Affirmation Form To The DHSMV.	8

INTRODUCTION

Scope and Methodology

We conducted a follow-up audit of Pinellas County Consumer Protection's Internal Controls Over DAVID Information. The purpose of our follow-up review is to determine the status of previous recommendations for improvement.

The purpose of the original audit was 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.

To establish the status of our previous recommendations, we surveyed and/or interviewed management to determine the actual actions taken to implement recommendations for improvement. We performed limited testing to verify the implementation of these recommendations.

Our follow-up 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. Our follow-up testing was performed during the month of August 2018. The original audit period was September through December 2015. However, transactions and processes reviewed were not limited by the audit period.

Overall Conclusion

Of the two recommendations in the report, we determined that both were implemented. We commend management for implementation of our recommendations.

Implementation Status

OFI NO.	PREVIOUS RECOMMENDATION	IMPLEMENTATION STATUS				
		Implemented	Acceptable Alternative	Partially Implemented	Not Implemented	No Longer Applicable
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.	✓				
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.	✓				

Background

Pinellas County Consumer Protection (Consumer Protection) is an 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.

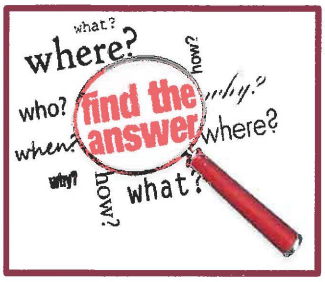
Dispute Resolution Section:

- 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:

- 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.
- Enforces Human Trafficking Public Awareness Sign ordinance.

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.

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, Consumer Protection 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. 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 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. Consumer Protection requested the Clerk of the Circuit Court's Division of Inspector General to perform the attestation engagement.

STATUS OF RECOMMENDATIONS

This section reports our follow-up on actions taken by management on the Recommendations for Improvement in our original audit of the Clerk of the Circuit Court Civil Court Records Support/Family Section. The recommendations contained herein are those of the original audit, followed by the current status of the recommendations.

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

A SAFER FLORIDA
HIGHWAY SAFETY AND MOTOR VEHICLES

Terry L. Rhodes
Executive Director

2900 Apalachee Parkway
Tallahassee, Florida 32399-0500
www.flhsmv.gov

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 Recommended 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.

Status:

A. **Implemented.** The completed Annual Certification Statement, which is the equivalent of the annual affirmation form, was submitted to the DHSMV within the time frame indicated in the MOU for 2018.

B. **Implemented.** Consumer Protection requested that DHSMV carbon copy (cc) Consumer Protection on email communications sent to the County Administrator to ensure the agency meets deadlines as needed.

Division of Inspector General

Ken Burke, CPA

Clerk of the Circuit Court
& Comptroller
Pinellas County, Florida

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Division of Inspector General
510 Bay Avenue
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