



PAM STEWART
Commissioner



MIKE BLACKBURN
Inspector General

**FLORIDA DEPARTMENT OF EDUCATION
OFFICE OF INSPECTOR GENERAL**

MEMORANDUM

To: Brian Dassler, Deputy Chancellor
Division of Public Schools, Educator Quality

From: Mike Blackburn, Inspector General

Date: November 19, 2014

Subject: Review of the Office of Professional Practices Services
Data Exchange MOU with DHSMV

At the request of department management, the Office of Inspector General (OIG) conducted a management consulting engagement that involved reviewing the data exchange memorandum of understanding (MOU) entered into between the department's Office of Professional Practices Services (PPS) and the Department of Highway Safety and Motor Vehicles (DHSMV). The goal of this engagement was to perform an analysis of the internal controls in place sufficient to attest to the adequacy of those internal controls.

The objective of this engagement was to ensure the department, in compliance with the terms of the MOU, has the appropriate internal controls over the personal data used to ensure that data is protected from unauthorized access, distribution, use, modification, or disclosure. The scope of the engagement included controls, policies, and processes in place as of September 30, 2014. To accomplish our objective, we reviewed the MOU and related documents; interviewed appropriate department staff; reviewed applicable policies and procedures; utilized the DAVID Audit worksheet provided by DHSMV; and reviewed samples of program logs.

Background

The Department of Education's Office of Professional Practices Services (PPS) administers a state-level grievance process and plays an integral part in ensuring that appropriate disciplinary actions are taken against the certificate of an educator certified to teach in Florida. PPS investigates alleged misconduct by educators in Florida who hold an educator's certificate and

pursues disciplinary actions against the certificates of educators found to have committed acts of misconduct. In order to locate individuals that are party to an investigation of educator misconduct, PPS is permitted access to driver license and motor vehicle data through a Memorandum of Understanding (MOU) with the Department of Highway Safety and Motor Vehicles (DHSMV).

On September 26, 2013, PPS renewed its MOU with DHSMV. The MOU establishes conditions under which DHSMV agrees to provide PPS with electronic access to driver license and motor vehicle data. DHSMV is responsible for ensuring all those who enter into data exchange MOUs have the appropriate internal controls over the personal data sold or used, and protects that data from unauthorized access, distribution, use, modification or disclosure.

Section VI.A of the MOU states, “This MOU is contingent upon the Requesting Party having appropriate internal controls over personal data sold or used by the Requesting party to protect the personal data from unauthorized access, distribution, use, modification, or disclosure. Upon request from the Providing Agency, the Requesting Party must submit an attestation from a currently licensed Certified Public Accountant performed in accordance with American Institute of Certified Public Accountants (AICPA), “Statements on Standards for Attestation Engagement.” In lieu of submitting the attestation from a currently licensed Certified Public Accountant, Requesting Party may submit an alternate certification with pre-approval from the Department. In the event the Requesting Party is a governmental entity, the attestation may be provided by the entity’s internal auditor or inspector general. The attestation must indicate that the internal controls over personal data have been evaluated and are adequate to protect the personal data from unauthorized access, distribution, use, modification, or disclosure. The attestation must be received by the Providing Agency within 180 days of the written request. The Providing Agency may extend the time to submit the attestation upon written request and for good cause shown by the Requesting Agency.”

DHSMV randomly selected the Department of Education for submission of an attestation ensuring that the data is being used in an appropriate manner. The OIG was charged with providing the attestation statement to DHSMV.

Results

We utilized the DAVID Audit worksheet provided by DHSMV to determine if the department was in compliance with the terms of the MOU. We conducted tests and gathered information to address the 14 specified requirements contained in the checklist. Through our review we were able to confirm that PPS generally complied with each requirement, though we did identify some minor deficiencies that needed to be addressed.

Section V. B of the Memorandum of Understanding (MOU) states, “Information exchanged by electronic means will be stored in a place physically secure from access by unauthorized persons.” PPS employees utilize the DAVID system and sometimes maintain hard copies of the

information obtained. Therefore, only authorized personnel should have access to their offices. During our initial test, we discovered that OIG security badges allowed access to the Bureau of Educator Certification, which in turn, allowed access to PPS through an entry point connecting the two offices. This information was provided to PPS and the access through this entry point was subsequently corrected. On a follow-up visit we confirmed that the entrances have been modified to allow access to only authorized personnel.

Section V. B of the MOU states the requesting party (PPS) agrees to “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.”

Within PPS there are currently 20 active users and 3 inactive users that have been granted access to DAVID. Access permissions were deactivated for two of the inactive users within five days of termination or reassignment. The remaining user left the department on April 25, 2014, but was not listed as inactive until June 6, 2014. However, further review revealed that PPS did suspend the user’s access permissions one day prior to the user leaving the department, thereby preventing the user from accessing the database.

A preliminary interview on September 19, 2014 revealed that PPS staff was not aware of the requirement to conduct quarterly quality control reviews. The supervisor did conduct a quality control review upon learning of the requirement and stated that she will continue conducting a review each quarter. This enabled us to confirm that there was a process in place as of September 30, 2014.

Conclusion

Through our review of controls, policies, and processes in place as of September 30, 2014, we have determined that the Department of Education’s Office of Professional Practices Services is operating in compliance with the terms set forth by the Data Exchange MOU. As stated in the MOU, the department will submit an attestation indicating that the internal controls over personal data have been evaluated and are adequate to protect the personal data from unauthorized access, distribution, use, modification, or disclosure.

cc: Kathy Hebda, Chief of Staff
Marian Lambeth, Chief, Office of Professional Practices Services

To promote accountability, integrity and efficiency in state government, the OIG completes audits and reviews of agency programs, activities, and functions. Our audit was conducted under the authority of section 20.055, F.S., and in accordance with the International Standards for the Professional Practice of Internal Auditing, published by the Institute of Internal Auditors, and Principles and Standards for Offices of Inspector General, published by the Association of Inspectors General. The audit was conducted by Jeremy Anderson and supervised by Janet Snyder, CIA, CGAP, Audit Director.

Please address inquiries regarding this report to the OIG's Audit Director by telephone at 850-245-0403. Copies of final reports may be viewed and downloaded via the internet at <http://www.fldoe.org/ig/auditreports.asp#F>. Copies may also be requested by telephone 850-245-0403, by fax 850-245-9419, and in person or by mail at Department of Education, Office of the Inspector General, 325 West Gaines Street, Suite 1201, Tallahassee, FL 32399.