COUNTY AUDIT DEPARTMENT

REPORT #427

AUGUST 13, 2024

An Audit of:

FLHSMV DATA EXCHANGE AGREEMENT

INTERNAL CONTROLS AND DATA SECURITY

Cindy Stuart
CLERK OF COURT & COMPTROLLER
HILLSBOROUGH COUNTY

August 13, 2024

Dear Cindy Stuart, Clerk of Court and Comptroller:

The Audit Team has completed an audit of the security controls required by the Florida Department of Highway Safety & Motor Vehicles (FLHSMV) for Driver's License (DL) transcript data (**Audit Report # 427, dated August 13, 2024**) in relation to the control measures and requirements outlined in the Data Exchange Memorandum of Understanding (MOU) number HSMV-0106-24.

The purpose of this Report is to provide management with an independent, objective analysis, and assessment of the activities pertaining to the personal information data received via transcript exchange from the FLHSMV. Furthermore, this report serves to comply with section VII. Compliance and Control Measures Part A of the MOU. This is not an appraisal or rating of management.

Although the Audit Team exercised due professional care in the performance of this audit, this should not be construed to mean that unreported noncompliance or irregularities do not exist. The deterrence of fraud and/or employee abuse is ultimately the responsibility of management. Audit procedures alone, even when carried out with professional care, do not guarantee that fraud or abuse will be detected.

We greatly appreciate all of the cooperation and professionalism displayed by the Directors and personnel of the Clerk's Information Technology (IT) department during this audit.

As always, if you have questions or concerns, please do not hesitate to contact me directly.

Heidi Pinner, CIA CISA CFE CRMA
Chief Audit Executive, Clerk of Court & Comptroller

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EXECUTIVE SUMMARY

BACKGROUND INFORMATION

The Florida Department of Highway Safety & Motor Vehicles (FLHSMV), also known as the Providing Agency, maintains a database containing driver's licenses and motor vehicle information. The Clerk's Office (the Clerk), also known as the Requesting Party, obtains this information through driver history transcript downloads from the FLHSMV's web services system and provides those transcripts to judges over the Odyssey case management system for the judges to use in court proceedings. In order for the Clerk to be granted access to these records, a Memorandum of Understanding (MOU) is signed with the FLHSMV. The conditions included in this MOU require the Clerk to comply with a series of laws and security standards to ensure that records and information received, stored, transmitted, and/or used by the Clerk are maintained in a secure environment. These applicable laws and standards include:

- The Driver's Privacy Protection Act (DPPA) 18 U.S. Code 2721.
- Florida Statute 501.171, Security Breaches.
- Florida Administrative Code Rule 60GG-2, Florida Cybersecurity Standards (FCS).
- The FLHSMV External Information Security Policy.

The security standards identified in these laws and in the MOU aligned with the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity. This Framework includes controls designed to identify, protect, detect, respond, recover, and/or minimize security risks to data, computer systems, and other assets. By signing the MOU with the FLHSMV, the Clerk agrees to comply with these laws and standards.

OBJECTIVE

The objective of the audit was to determine whether or not the Clerk's information security controls are in compliance with the security requirements stipulated in the FLHSMV's MOU.

SCOPE

The audit was conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing*. These Standards require that County Audit plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the audit comments and conclusions based on the audit objectives. County Audit believes that the evidence obtained provides this reasonable basis.

The audit scope includes the state of information security controls as of August 2024 for the Hillsborough County Clerk of Court as they pertain to the requirements set forth in the FLHSMV MOU.

OVERALL EVALUATION & AUDIT OPINION

The Audit Team has evaluated the internal controls, standards, and applicable laws governing the use and dissemination of driver's licenses, motor vehicle information, and personal data based on the requirements included in the MOU. The assessment completed by the Audit Team evaluated each applicable standard and internal controls established by the Clerk's Office to ensure that driver license records and information received, transmitted, stored and/or used is securely processed and maintained.

Based on the assessment performed, the audit team has concluded that information security internal controls currently established in the Clerk's Office are in compliance with the FLHSMV MOU requirements. These internal controls include security policies and procedures that are in place for personnel to follow and that are adequate to protect driver license personal data from unauthorized access, distribution, use, modification or disclosure. Any control improvement opportunities identified were corrected by management during the course of the audit to ensure current security controls comply with the MOU standards and to prevent any potential future recurrence.

The exit conference was held on August 12, 2024.

AUDITED BY

Heidi Pinner, CIA, CISA, CFE, CRMA, Chief Audit Executive
Ben Everett, CPA, CIA, CFE, CISA, Audit Manager
Raul Cardona, CIA, CISA, CSXA, IT Audit & Advisory Services Manager

TESTING METHODOLOGY

The latest MOU signed with the FLHSMV (HSMV-0106-24) on September 6, 2023 includes three sets of standards with a total of 239 security controls. Each of these controls listed in the table below were reviewed and evaluated by the Audit Team.

Standards	Standard / Requirement Sections	Total Controls
Florida Administrative Code Rule 60GG-2 **(NIST Cybersecurity Standards)**	**Identify**	
	Asset Management	6
	Business Environment & Governance	9
	Risk Assessment	6
	Risk Management	4
	Supply Chain Risk Management	5
	Protect	**30**
	Access Control	7
	Awareness and Training	6
	Data Security	8
	Information Protection Processes	12
	Maintenance & Protective Technology	7
	Detect	**40**
	Anomalies and Events	5
	Security Continuous Monitoring	8
	Detection Processes	5
	Respond	**18**
	Response Planning & Communications	6
	Analysis & Respond Strategy	5
	Mitigation and Improvements	4
	Recover	**15**
	Recovery Planning & Improvements	3
	Communications	3
		6
External Information Security Policy	*Data Security*	8
	Passwords Policy	16
	Encryption and Access Controls	15
	User Account Management	8
	Incident Handling & Security Monitoring	9
	Network Interconnectivity / Firewalls	4
	Malware/Virus Protection	6
	Patch and Vulnerability Management	4
		70
IV. Statement of Work	*IV. Statement of Work*	28
	V. Safeguarding Information	18
	VI. Third Party End Users	5
	VII. Compliance & Control Measures	9
		60
	Totals Standards / Controls	**239**

CRITERIA

During the course of the audit, the Audit Team obtained, reviewed, and examined all data security policies, procedures, and supporting documentation related to the Clerk's Office driver's license transcript process and corresponding applicable controls contained in the MOU. The 239 security controls included in the MOU cover a broad, comprehensive set of security measures, such as mitigating cybersecurity risks, backing up data, restricting access, encryption methods, audit logging, risk assessments, incident responses, anti-virus software, password rules, and physical protection of assets.

Each control was evaluated and tested as applicable by the Audit Team. This testing included interviews with IT management and staff, reviews of policies and procedures, observations of system applications, data examination and analysis, and a review of server storage facilities to determine whether or not appropriate processes are in place to comply with each individual control.

RESULTS

Clerk IT was able to provide responses, documentation, screenshots, explanations, and data that demonstrated compliance with the detailed, in-depth control requirements and standards outlined in the MOU. The Audit Team concluded that the current Clerk's Office software and hardware systems have the necessary controls in place to comply with MOU requirements. In addition, all security policies and procedures examined were approved by the Clerk's Chief Information Officer (CIO) and other senior members of the Information Security Department (Risk Management IT Security Professionals) who hold various professional security certifications, in compliance with the requirements in the MOU.

The Audit Team did identify a control improvement opportunity (listed below). This has been corrected by management during the course of the audit and measures have been enacted to prevent any potential recurrence.

Opportunity	Corrective Action Taken	Date
Policy updates were needed in order to fully comply with MOU requirements language.	IT Security policies including Risk Management, Incident Response Plan, and the User Confidentiality Form were updated by IT Security personnel to incorporate new requirements included in the MOU.	July 2024