

# DEPARTMENT OF PUBLIC SAFETY

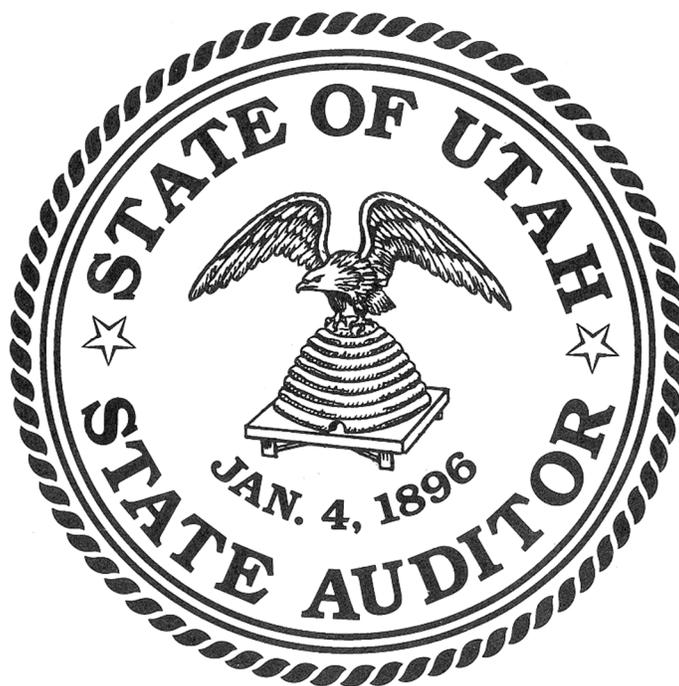
## Driver License Division

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Review of Data Sharing Practices for  
The Driver License Database  
January 14, 2019

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Report No. IT 18-02



### OFFICE OF THE STATE AUDITOR

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# Background

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## Uniform Driver License Act

In 1993, the Utah Legislature passed and the Governor signed S.B. 19, Department of Public Safety (DPS) Reorganization, which officially designated the Uniform Driver License Act (UDLA) and statutorily created the Driver License Division (DLD).<sup>1</sup> The duties assigned in statute to DLD include the duty to “[establish] procedures for the storage and maintenance of [driver license] applicant information.”<sup>2</sup> Applicant information may include the applicant’s full legal name, birth date, gender, fingerprints, photograph, and proof of valid Social Security Number (SSN). This information is currently stored and maintained in an electronic driver license database (Database). The Department of Technology Services (DTS) assists DLD in operating and maintaining the database.<sup>3</sup>

## Access to the Driver License Database

Statute restricts access to Database data based on the requesting entity, the type of information requested, and its intended use. In general, under the Uniform Driver License Act, DLD “...may only disclose personal identifying information [(PII)] when the division determines it is in the interest of public safety to disclose the information...” Other, non-identifying information is “classified and disclosed in accordance with... [the] Government Records Access and Management Act” (GRAMA).<sup>4</sup> GRAMA provides for the classification of government records as public, private, controlled, or protected and indicates the appropriate circumstances for disclosing each type of record.

Additional provisions are made in statute for specific circumstances where DLD may disclose applicant information independent of the restrictions above. Entities to whom DLD is specifically authorized to disclose applicant information include:

- Licensed private investigators with a legitimate business need
- Motor vehicle insurance companies
- Organ procurement organizations
- Licensing authorities of other states
- Specific departments of the Utah state government
- U.S. Department of Defense<sup>5</sup>

Statute authorizing disclosure of applicant information generally specifies what information may be shared with a particular entity. DLD is required to share applicant information in some cases. In others, DLD is authorized to share applicant information but not required to do so.

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<sup>1</sup> Laws of Utah, 1995 General Session, Ch. 333.

<sup>2</sup> Utah Code § 58-37f-201(2).

<sup>3</sup> Utah Code § 58-37f-201(3).

<sup>4</sup> Utah Code § 53-3-109(1)(b).

<sup>5</sup> Utah Code § 53.

# **Audit Objectives, Scope, Methodology, and Limitations**

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This audit was conducted to review the data-sharing practices of DLD. Our audit scope included a review of the following data and documentation from calendar years 2017 and 2018:

- Applicable state statutes and administrative rules
- Applicable DTS, DPS, and DLD policies and procedures
- Audits and risk assessments conducted by DTS, DPS, the Federal Bureau of Investigation, and the Office of the Legislative Auditor General
- Memoranda of Understanding between DLD and third parties receiving applicant information from the Database

In addition to our review of applicable documentation, we conducted interviews with management and process owners to understand and evaluate data-sharing practices.

# Findings

## Finding 1: DLD discloses driver license information not authorized in statute

### Condition

DLD may not share PII except in the interest of public safety or as specifically authorized in statute. We found three relationships where DLD shares PII with an external party without any statutory authority to do so or public safety interest. We also found three additional relationships where DLD is authorized to share specific PII with external entities, but has chosen to share additional PII not authorized in statute.

Data Recipient	Data Improperly Shared	Applicable Statute	Public Safety Interest
<b>Tax Commission</b>	Last four digits of license number, expiration date of license, and date of birth of individuals requested	None	No
<b>Utah Population Database (University of Utah)</b>	Name, date of birth, place of birth, SSN, address, mother's maiden name, physical characteristics of licensed individuals	None	No
<b>Office of State Debt Collection (OSDC)</b>	Name, date of birth, alias indicator, license number, address, SSN, license expiration dates, license issue dates of "individuals who have outstanding debt with the [OSDC]"	None	No
<b>Office of the Lieutenant Governor</b>	SSN and physical characteristics of licensed voters	20A-2-204(3); 20A-2-109	No
<b>Department of Veterans and Military Affairs</b>	License number, gender, date of birth of licensed veterans	53-3-205(16)	No
<b>Intermountain Donor Services</b>	License number, date of birth, gender of organ donors; License number, date of birth, gender, names, and addresses of individuals 'Undecided' about organ donation	53-3-205(15)	No

<b>Effect</b>	Increased risk that unauthorized recipients may obtain sensitive data.
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. DLD should stop sharing PII and other applicant information not allowed by statute or where there is no public safety interest.</li> <li>2. DLD should disclose to applicants what PII may be shared and with whom it may be shared.</li> </ol>

DLD's Response:

*DLD reviewed the findings of the auditor's office and respects the auditor's statutory interpretation regarding dissemination of PII. DLD understands that disclosure of PII should be limited due to the sensitive nature of the information. Understanding the auditor's statutory interpretation, DLD identifies the language in the governing statute may be interpreted in various ways. Due to the various legal interpretations of the statutory language, DLD recognizes the intent of the legislature concerning the statutory language could be clarified. Consequently, DLD will work with the legislature to clarify the intent of the statutory language regarding disclosure of PII.*

*Regarding the second area of concern "DLD is authorized to share specific PII with external entities, but has chosen to share additional PII not authorized in statute," DLD is reviewing the issues and is committed to complying with the statute regarding what data fields DLD is able to share in the future.*

Auditor's Concluding Remark:

While we recognize we have differing interpretations of the same statute, we acknowledge that it would be beneficial for the Legislature to clarify the language in the statute.

## Finding 2: DLD does not audit recipients of driver license information

<p><b>Condition</b></p>	<p>DLD provided eight Memoranda of Understanding (MOU) between DLD and external entities with whom DLD agreed to provide PII. In each case, the MOU provides guidance regarding the purpose for sharing the data and requires the recipient to use the data only for the purpose(s) outlined in the MOU. The following excerpt from DLD’s MOU with the Utah Local Governments Trust shows a typical agreement:</p> <p style="padding-left: 40px;">The driver license data will be used by the Utah Local Governments Trust to populate a database, which keeps track of the drivers that are insured by the Utah Local Governments Trust and employed by its insured members... [Database] data obtained by the Agency will only be used pursuant to this Agreement. Any deviation from this agreement may result in the loss of agency access.</p> <p>In addition to language designating appropriate usage of Database data, five of the eight MOUs require the data recipient to audit their use of Database data for appropriateness and to provide the results of these audits to DLD upon request. The three additional MOUs guarantee that DLD may audit the data recipient throughout the duration of their data-sharing agreement.</p> <p>At the time of this audit, DLD had not audited any of the entities receiving driver license applicant information, nor had they obtained audits performed by the entities themselves.</p>
<p><b>Effect</b></p>	<p>Increased risk that misuse of Database data by external entities will go undetected.</p>
<p><b>Recommendation</b></p>	<p>DLD should periodically audit the use of private Database information by any third parties receiving such information.</p>

DLD’s Response:

*Each of the DLD’s MOUs provide the purpose for sharing the data and also requires the recipient to use the data only for the purposes outlined in the MOU. DLD recognizes the value of auditing all recipients of its data. Currently, DLD does not have staff dedicated to nor trained in auditing practices as related to this issue. Consequently, DLD will make such auditing and training a priority as opportunities become available to request additional resources.*

## Appendix A Data Shared with External Parties

Data Recipient	Description of Data Shared
<b>Insure-rite</b>	Database data is used for the creation of the Uninsured Motorist Identification Database. DLD shares an applicant’s license number, name, address, date of birth, and driver type.
<b>IDEMIA</b>	Database data is used to create driver license cards and administer written exams. The data shared includes all information found on an individual’s driver license.
<b>Lieutenant Governor’s Office, State of Utah</b>	Database data is used to register applicants to vote, to populate the Electronic Registration Information Center, and to compare the database of registered voters with the Database. Data shared includes name, date of birth, SSN, address, height, weight, and hair color.
<b>Utah Department of Workforce Services (DWS)</b>	Database data is used to verify an unemployment insurance claimant’s identity. DLD does not share additional data with DWS, but simply returns a “pass” or “fail” if the driver license number and SSN provided by DWS match the information in the Database.
<b>Ogden Police Department</b>	Database data is shared with Ogden Police Department in the interest of public safety. DLD shares an applicant’s license number, current address, and previous addresses.
<b>American Association of Motor Vehicle Administrators (AMVA)</b>	Database data is shared in agreement with other states to assist in prosecuting traffic violations across borders. Data shared includes name, SSN, license number, address, driving violations, and medical information.
<b>Utah Interactive (UI)</b>	DLD contracts with UI to create and maintain the driver license web application. All records in the Database are shared.
<b>Utah Local Governments Trust</b>	Utah Local Governments Trust is an insurer of local government agencies and receives motor vehicle records of licensed local government employees. Database data shared includes name, SSN, address, license number, and medical information.
<b>U.S. Department of Defense</b>	DLD sends applicant information to the Department of Defense to identify licensed males under 26 years of age for registration with the Selective Service. Name, address, gender, and date of birth are shared.
<b>Utah State Tax Commission</b>	The Tax Commission has an agreement with DLD to receive additional information about individuals for tax purposes. The Commission sends the SSNs of individuals to DLD, and if the SSNs appear in the Database, DLD sends back the corresponding license numbers, expiration dates, and dates of birth.

<b>Utah Division of Fleet Management</b>	Fleet Management manages vehicles for the State of Utah. DLD shares name, dates of birth, address, license number, citations, department actions, and DUI arrests for all government employees.
<b>Statewide warrants</b>	In the interest of public safety, DLD shares data to update all warrant records in the State of Utah with known address information contained in the Database.
<b>Utah Department of Veterans and Military Affairs (UDVMA)</b>	Database data is shared with UDVMA to update information on applicants who identify themselves as veterans. Information shared includes license number, name, date of birth, gender, and address.
<b>Utah Criminal Justice Information System (UCJIS)</b>	UCJIS unifies data from several different sources to create a resource for crime enforcement in the State of Utah. UCJIS is used by law enforcement personnel. Upon receipt of a license/ID card number or SSN from law enforcement, DLD returns to UCJIS all fields in the Database.
<b>Organ Donation Services</b>	DLD shares PII with organ donation services for (1) applicants who wish to be organ donors and (2) those who are undecided. Data shared includes name, license number, gender, address, and date of birth.
<b>Utah Office of Recovery Services</b>	DLD receives a file from Recovery Services with an individual's license number, name, SSN, and date of birth. If the SSN is found in the Database, DLD returns additional information about the applicant.
<b>University of Utah</b>	The University receives information for the creation of the Utah Population Database for health care research purposes. DLD shares names, dates of birth, addresses, height, weight, and other PII of driver license applicants.
<b>Utah Office of State Debt Collection (OSDC)</b>	DLD shares name, date of birth, license number, address, SSN, and license expiration/issue date of individuals who have outstanding debt with the OSDC.