



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
May 4, 2010

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that Victoria Munson, while employed by the Fulton County Department of Social Services, improperly accessed a New York State Department of Motor Vehicles computer database to obtain confidential information about individuals including the woman Munson's son was convicted of raping. Munson was arrested and prosecuted by the Fulton County District Attorney, and on January 26, 2010, pleaded guilty to the crime of official misconduct. Munson retired from her FCDSS position during the Inspector General's investigation. The Inspector General also determined that several additional FCDSS employees accessed the DMV database for non-business purposes, and recommended that the FCDSS review their conduct and take appropriate action.

ALLEGATION

On March 24, 2009, DMV advised the Inspector General that the Fulton County Department of Social Services (FCDSS) had received a complaint that FCDSS employee Victoria Munson had improperly accessed a DMV database to obtain information about a woman whom Munson's son had been convicted of raping.

SUMMARY OF INVESTIGATION

Background

Victoria Munson was employed by the Fulton County Department of Social Services for 21 years, most recently as a Child Support/Financial Investigator. Relevant to this investigation, Munson's son, Nicholas Munson, was convicted in Fulton County Court in 2008 of rape and possession of a weapon, and is currently serving a sentence of 2-4 years in state prison.

In her capacity as a Child Support/Financial Investigator, Munson assisted the agency in ensuring that parents met their financial responsibilities to their eligible children by, among other things, attempting to establish paternity and searching for non-

custodial/custodial parents for the agency to potentially file petitions in family court. In the performance of her official duties, Munson was authorized to utilize FCDSS's access to various state computer databases, including the DMV database of driver and vehicle information, the Welfare Management System, (WMS), the Child Support Management System (CSMS), and the Department of Correctional Services' inmate database.

FCDSS policy restricts employees' access to state databases only for authorized business-related purposes. The FCDSS Confidentiality Ethics Computer Security Foundations of Professionalism Policy provides:

You are permitted to access data bases, such as WMS of the state Child Support system, when the need is clearly and solely related to your official job duties. The concepts of "Need to Know" and "Minimal Necessary Information" apply. Unauthorized Access... Is a violation of the Department's confidentiality policy. It will subject the worker to formal disciplinary action that could result in the employee being terminated from County employment. You cannot access personal information to satisfy your own personal curiosity; or access them to favor a relative, friend, acquaintance or for your own self-interest. Be cognizant that you enter into a contract every day when you click on the "agree" button. You are permitted to access these data bases when the need is clearly and solely related to your job duties. State, County and Agency legal warnings exist. You may be fined, imprisoned, lose your job, and be subjected to law suits. The Code of Ethics expects that you will maintain strict boundaries between your business and home life, and if these boundaries are crossed, there will be serious consequences.

The confidentiality of DMV records is also protected by the federal Driver's Privacy Protection Act (18 U.S.C. § 2721 *et seq.*), which states in part, "It shall be unlawful for any person knowingly to obtain or disclose personal information, from a motor vehicle record, for any use not permitted under section 2721(b) of this title¹." In addition, New York State Penal Law prohibits the unauthorized use of a computer and forbids a public servant from obtaining a benefit by knowingly committing an unauthorized act relating to his/her official duties.²

Munson's Unauthorized Access of Confidential Information

Munson was one of 12 FCDSS employees authorized to use the agency's account that provides access to the DMV database of driver license and vehicle registration, title, and insurance records. As all 12 employees used the same computer log-on password when utilizing the DMV Dial-in account, the Inspector General discovered that it was not feasible, through an examination of password use alone, to identify which employee had

¹ The permitted purposes under the Driver Privacy Protection Act, none of which apply in this matter, include use by a government agency to carry out its official functions, use in connection with motor vehicle or driver safety and use by an insurer for rating or underwriting.

² See Penal Law § 156.10 (Computer Trespass) and § 195.05 (Official Misconduct).

made a specific access of the DMV database. Therefore, the Inspector General undertook multiple investigative steps and cross-referencing of information to determine if Munson or any other FCDSS employee improperly accessed the DMV Dial-In account for non-business purposes.

The Inspector General analyzed all FCDSS DMV account activity from November 1, 2007, through March 20, 2009, and cross-referenced when certain individual's DMV information was accessed with FCSDD time and attendance records to identify the employees working on those dates. The Inspector General also examined Munson's FCDSS computer to ascertain if Munson made inquiries in other state databases on dates and at times in close proximity to the suspect DMV record access. For example, the Inspector General found that Munson accessed information about her son in the Department of Correctional Services' inmate database within minutes of an inquiry being made through the DMV Dial-In account of information concerning her son's rape victim. Lastly, the Inspector General interviewed all FCDSS employees authorized to use the DMV account. In the interviews, the Inspector General used a matrix of the names of individuals whose DMV information had been accessed and asked the employees who worked that day if he or she had made the DMV inquiry and, if so, if there was a legitimate business purpose for the inquiry. The Inspector General then confirmed with FCDSS management whether there was an open case on the individual whose information was accessed and, if so, the employee assigned to the matter.

Through this analysis, the Inspector General established that on numerous occasions from 2007 through 2009, Munson improperly accessed the secure computerized DMV records of at least 18 individuals, none of whom was related to official FCDSS work assigned to Munson. All 18 individuals were relatives or neighbors of Munson, or persons connected to the criminal cases involving Munson's son. Particularly troubling, the Inspector General identified 86 instances when Munson accessed the DMV records of her son's rape victim. Exacerbating her misconduct, during some of the time Munson accessed her son's victim's records, Munson herself was subject to a court-issued order of protection banning her from any contact or interference with her son's victim.

The Inspector General further found through interviews and a forensic examination of the FCDSS computer assigned to Munson that Munson also improperly accessed the Welfare Management System, the Niagara Mohawk (National Grid) system, and New York State Office of Temporary and Disability Assistance databases for purposes unrelated to her official duties. These computer systems contain such personal and confidential information of individuals as Social Security numbers, welfare participation, child support status, home addresses, and telephone numbers.

In a voluntary sworn interview with the Inspector General, Munson admitted that she "might have run" inquiries in the DMV computer database of subjects including herself, family members, and her son's rape victim's family members. She also conceded that there was no official purpose for her doing so, and maintained that she accessed them as a form of "practice," or out of "curiosity" or "boredom." Although Munson claimed that several of the inquiries she conducted on the DMV system were performed before

she had been advised by FCDSS management restrictions on such use, this excuse is spurious. Munson herself contradicted this assertion, as she acknowledged she was aware of the warning banner that appears on the DMV computer system prior to logging in, and also admitted that she was aware that she was solely permitted to use the DMV system and Fulton County and state equipment and resources in the performance of her official duties. Further, according to a memorandum dated December 12, 2007, Munson's FCDSS supervisors previously counseled her after she had requested a subordinate to seek information about her son's rape victim in 2007, and, at that time, she was again provided with a copy of the FCDSS Confidentiality, Ethics, Computer Security Policy and the Conflict of Interest procedure and asked to review both documents.

Munson retired from FCDSS during the Inspector General's investigation. On September 29, 2009, Munson was arrested and charged with computer trespass, a felony, and official misconduct, a misdemeanor. On January 26, 2010, Munson pleaded guilty to one count of official misconduct.

Other FCDSS Employees Accessed DMV Database for Unauthorized Purposes

In the course of investigating the allegation against Munson, the Inspector General found that other employees of the Fulton County Department of Social Services also used the DMV Dial-in account to access the DMV database of driver and vehicle information for non-business purposes in violation of agency policy and the federal DPPA. The employees who conducted unauthorized database searches include Information Technology Specialist MaryJo Ambrosino, Typist Deborah Blackford, Social Welfare Examiner Susan Dorman, and Senior Social Welfare Examiner Nancy Martin.

FINDINGS AND RECOMMENDATIONS

The Inspector General determined that former FCDSS employee Victoria Munson violated agency policy and the federal Driver's Privacy Protection Act when she accessed FCDSS databases for purposes that were unauthorized and unrelated to her official responsibilities. The primary purpose of these accesses appears to have been Munson's interest in obtaining personal and confidential information about the woman Munson's son was convicted of raping and witnesses, relatives or other individuals associated with her son's criminal cases.

Munson retired from employment with FCDSS during the Inspector General's investigation; therefore, the agency is precluded from taking disciplinary action against her. However, Munson was arrested and charged by the Fulton County District Attorney with felony computer trespass and misdemeanor official misconduct. On January 26, 2010, Munson pleaded guilty to one count of official misconduct.

The Inspector General also determined that FCDSS employees MaryJo Ambrosino, Deborah Blackford, Susan Dorman, and Nancy Martin accessed the DMV database for non-business purposes, and recommended that the FCDSS review their conduct and take appropriate action.

Response of the Fulton County Department of Social Services

In response to the Inspector General's recommendation, the Fulton County Department of Social Services stated that department management will meet with the identified employees "to discuss their past non-business use of the system, verify their understanding of the business-use requirements and assess if further actions need to be taken."