



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
November 15, 2010

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General determined that New York State Department of Motor Vehicles (DMV) employee Pamela Miner violated DMV policy and the federal Driver's Privacy Protection Act when she accessed DMV's electronic database for personal purposes unrelated to her official responsibilities.

ALLEGATION

On July 1, 2010, the Inspector General received an allegation that Pamela Miner, a DMV employee, used her position to obtain personal information about a certain individual for personal purposes.

SUMMARY OF INVESTIGATION

Pamela Miner is a DMV Agency Services Representative assigned to DMV's Swan Street offices in Albany and has been employed by DMV for 23 years.

In order to fulfill their duties, DMV employees are granted electronic access to New York State drivers' personal information contained in DMV's electronic database. Under federal and state law and DMV policy, a DMV employee provided with access to driver records is prohibited from using this information for non-official matters or from disclosing this information to others. The Federal Driver's Privacy Protection Act (Title 18 of the United States Code §§ 2721-2725) provides, 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 title." Accordingly, section 10.6 of the DMV Employee Handbook, entitled "Disclosure of Information," states:

Any misuse of file information by an employee (that is, the use of information for any purpose other than the processing of official Department business) could lead to legal action against the Department [of Motor Vehicles]. Therefore, an employee may not obtain, ask any other employees to obtain, or use customer file information for any purpose

other than carrying out his or her assigned duties in the Department. Any violation of this policy is subject to disciplinary action.

An examination of DMV computer database access reports revealed that Pamela Miner conducted a record search within DMV's database for a certain individual four times between January 1, 2008, and July 25, 2010. The Inspector General interviewed Miner, who identified this individual as her sister's ex-boyfriend. Miner admitted that on several occasions this individual had asked her to access his DMV records for insurance purposes. Miner related that her sister terminated her relationship with this individual in February 2010. DMV access records indicate that Miner accessed the individual's information three times prior to February 2010, and once afterwards. In regard to her access on the three occasions prior to February 2010, Miner claimed that this individual had asked her to examine his information. Concerning the latest access, after the purported termination of her sister's relationship with this individual, Miner informed the Inspector General that her sister had requested that she access his information. When asked why her sister wanted the information regarding her ex-boyfriend, Miner stated that she did not know and had not inquired.

Miner admitted to foreknowledge that her actions violated DMV policy based on her receipt of a memorandum dated August 6, 2008, which reminded all DMV employees of the policy prohibiting personal use of DMV electronic records:

It is a violation of Departmental policy to look up any record for non-work related purposes. That includes looking up the records of family, friends, co-workers, or any one else out of curiosity, for 'information' purposes, or even to find birth dates to plan celebrations.

The above memorandum was written as a reminder to all DMV employees following the arrest of two DMV employees who were charged with improper access and use of DMV information. When asked by the Inspector General why she violated these rules, Miner responded, "I don't know. I guess everybody does it."

FINDINGS AND RECOMMENDATIONS

The Inspector General determined that DMV employee Pamela Miner violated DMV policy and the federal Driver's Privacy Protection Act when she accessed the DMV database for purposes that were unauthorized and unrelated to her official responsibilities. As recommended by the Inspector General, DMV is reviewing Miner's conduct for disciplinary action. A copy of this report also is being provided to the Albany County District Attorney's Office for review and consideration of criminal charges.