



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL

Final Report
November 15, 2007

**Investigation Finds Department of Health Official
Improperly Destroyed Computer Hard Drive**

SUMMARY OF FINDINGS/RECOMMENDATIONS

The Office of the State Inspector General found that Toby Mansfield, the New York State Department of Health (DOH) Director of Administrative Services in the Western Regional Office in Buffalo, destroyed the hard drive on a DOH Associate Commissioner's state computer without appropriate authorization. It was further found that Salvatore Page, the Associate Commissioner in the Western Regional Office, misused the State mail system on at least one occasion and authorized a DOH employee to perform personal business for him while on State time, also on a single occasion.

ALLEGATIONS

On January 9, 2007, the Inspector General received a complaint containing allegations against Mansfield and Page. Mansfield, it was alleged, acted improperly when he destroyed Page's DOH computer hard drive on Page's last day of work. Page allegedly used the State postage system for his personal use and requested that staff members perform non-work related tasks during normal working hours.

SUMMARY IF INVESTIGATION

When interviewed by the Inspector General's Office, Mansfield admitted that he had "drilled" the hard drive of Page's DOH computer on March 30, 2007, Page's last day of work. This involved Mansfield using a power drill to bore holes in the hard drive, thereby rendering the drive and its contents inoperative and obstructing any further investigation of its contents. Mansfield acknowledged that DOH policy requires that the computer of a departing employee be subject to a "forensic wiping," after which it can be reused, or a "shredding" of the hard drive pursuant to a service contract DOH has with a

company known as “Shred-It.” In an effort to explain his actions, Mansfield claimed that representatives of the shredding company had only recently been at the Western Region Office, and, therefore, it would not have been cost effective to have them come back to destroy a single hard drive. Mansfield said that because he supervises the Information Technology (IT) department in the Western Regional Office, he believed it was within his authority to destroy the hard drive of Page’s state computer. Mansfield added that Page did not specifically ask him to destroy the hard drive.

This Office reviewed the DOH policy on “alternative methods” of disposing of information on a DOH computer. DOH Policy and Procedure Manual Section 430.3 provides “[i]n rare cases where other options are not feasible due to business needs, alternate methods of media disposal may be allowed to occur with explicit approval from the ISO [Information Security Officer].” Contrary to Mansfield’s actions, drilling is not one of the approved alternative methods.

Given that the policy requires “explicit approval from the ISO,” this Office interviewed the DOH Information Security Officer, who stated that she did not know that Mansfield had destroyed Page’s hard drive. The ISO said that Mansfield would have required authorization from her. After reviewing ISO records, the ISO subsequently advised this Office that Mansfield had neither requested nor been granted permission to destroy Page’s hard drive. She added that Mansfield has extensive computer experience and formerly worked in DOH’s IT Department. The ISO said that given his background, Mansfield is more than qualified to have performed the more conventional practice of forensic wiping.

The investigation identified a single instance in which a staff member performed personal work on Page’s behalf. A DOH Information Specialist informed this Office that during a snowstorm, while he was on overtime duty in a State emergency operations center, he volunteered to go to a rental shop and rent a water pump for Page, whose relative’s basement had flooded. He said that Page accepted his offer. Therefore, using his personal vehicle and Page’s personal credit card, he rented the water pump and placed it in the trunk of Page’s State-assigned vehicle. He further said that he was absent from the operations center for approximately 45 minutes and received no compensation or preferential treatment from Page for performing the personal service.

Regarding the allegation that Page misused the State mail service, the investigation also identified a single instance of non-business use by Page. DOH policy prohibits the personal use of postage among other departmental resources. During the investigation, this Office obtained a personal communication from Page that had been mailed in a DOH envelope and appeared to have been processed through the Western Regional Office postage system. An employee who operates the postage system stated that she had no knowledge of Page using the system for his personal mailings, adding that anything she processed for Page was in a DOH sealed envelope or package. When shown the DOH envelope that contained the personal communication from Page, the employee confirmed that the envelope had been processed through the Western Regional postage device.

FINDINGS AND RECOMMENDATIONS

This investigation determined that Mansfield destroyed the hard drive of Page's DOH computer using an unauthorized method and without required authorization. This investigation also determined that on one occasion Page authorized a subordinate to perform a personal errand for him while on state overtime, and that on one occasion Page inappropriately utilized the DOH mail system to send personal correspondence.

The Inspector General recommended that take disciplinary action as appropriate with respect to Mansfield's conduct. As Page is no longer employed by DOH, disciplinary action against him cannot be pursued.

By letter dated November 7, 2007, DOH advised this Office that it has initiated an internal investigation to determine appropriate disciplinary action against Mansfield