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July 25, 2013

Barbara J. Fiala
Commissioner
New York State Department of Motor Vehicles
6 Empire State Plaza
Albany, New York 12228

RE: NYS IG 0295-014-2011

Dear Commissioner Fiala:

On May 25, 2011, the Department of Motor Vehicles (DMV) referred to my office an allegation that [REDACTED] a contract employee in DMV's records storage facility in Guilderland, misappropriated a number of documents which were stored in the facility.

DMV's Guilderland warehouse serves as a repository for a large number of agency records, including vehicle registration, driver license, and non-driver identification applications, among others. Many of these records contain personal, private, and sensitive information of the individuals who have engaged in transactions with DMV.

The investigation found that on or about April 29, 2011, warehouse staff retrieved 79 driver license applications from storage in response to a request for copies of the applications. In accordance with established procedure, after the applications were copied, they were placed in a designated basket for re-filing. Sometime thereafter, warehouse staff found the payment receipts or "tear strips," which had been attached to the applications, in a trash can in the facility. A subsequent search by staff found that one of the applications had been re-filed, although in the wrong location; the other 78 applications were not found. All of the applications contained the applicants' dates of birth and client identification numbers, which are also their driver license identification numbers.

The investigation further found that [REDACTED], a temporary worker hired through a private employment company under contract with the state, was the employee assigned to re-file the missing applications and was seen near where the tear strips were found, despite having no business in that area of the warehouse at the time. However, no additional evidence was found to implicate [REDACTED]. Warehouse supervisor [REDACTED] advised the Inspector General that [REDACTED] when questioned by supervisors, denied responsibility for the missing records. Several days after the incident, DMV terminated [REDACTED] for poor performance.

In addition to investigating the immediate circumstances of the missing records, an on-site review of security at the Guilderland facility was conducted. This review examined the procedures for retrieving, copying, and re-filing records, as well as physical security of the building. Security systems currently in place are generally sound as reflected in the fact that the instant matter is the first reported instance of actual or potential misappropriation or compromise of records at the warehouse to my office. As a result of this investigation, however, please consider implementing the following enhancements:

- Conduct random checks of employees assigned to retrieve, copy, and re-file records to ensure that documents are handled properly and returned to their correct locations.
- Reiterate to employees the legal and policy requirements for maintaining the confidentiality of information contained in records; re-train employees in relevant procedures.
- Change the access code on the front entrance to the facility on a regular basis so as to bar unauthorized access by former employees.
- Install surveillance cameras to monitor activity in the warehouse.

It is requested that within 30 days you advise me of any actions or decisions taken in response to the above recommendations. If you have any questions regarding this matter, you can contact me or Deputy Inspector General Audrey Maiello Cunningham at (518) 474-1010.

Sincerely,

[REDACTED]
Catherine Leahy Scott
Inspector General

cc: Thomas P. Higgins
Deputy Commissioner for Integrity