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October 16, 2014

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

RE: NYSIG 0137-014-2013

Dear Commissioner Fiala:

In January 2013, my office received an allegation that employees of the Orange County Clerk's Office had misused their positions on numerous occasions to access the Department of Motor Vehicles (DMV) database for purposes that were unauthorized and unrelated to their official duties. Although our investigation did not substantiate these allegations, we did find a lack of DMV training and oversight with respect to the Orange County Clerk's Office.

As you know, in 51 counties, including Orange County, DMV duties are fulfilled by the office of the County Clerk, and the County Clerks act as agents of DMV. Although hired and supervised by the County Clerk, county employees perform the same duties and must adhere to the same regulations as those employed directly by the DMV. The regulations prohibit use of DMV information for non-official purposes.

When questioned by my office, employees of the Orange County Clerk's Office were unaware of basic DMV procedures, such as attaching a Q-matic ticket to a transaction, and did not recall receiving any training on the federal Driver's Privacy Protection Act. This Act prohibits the release and use of certain personal information from state motor vehicle records and states, in pertinent part: [A] State department of motor vehicles, and any officer, employee, or contractor thereof, shall not knowingly disclose or otherwise make available to any person or entity personal information . . .

about any individual obtained by the department in connection with a motor vehicle record.”

I note that our findings in this case are similar to problems we have identified in investigations of other County Clerk’s offices during the past several years. Consequently, I recommend that, in addition to the Orange County Clerk’s Office, DMV provide re-training to all County Clerk’s offices that perform DMV functions in the proper use of the DMV database and restrictions on the disclosure of information.

Within 45 days of this letter, please provide information concerning DMV’s review and actions, including copies of any revised policies. If you require any further information about our investigation, please contact me at (518) 474-1010.

Sincerely,



Catherine Leahy Scott
Inspector General