



# Board Agenda Item 42

DATE: October 24, 2023

TO: Board of Supervisors

SUBMITTED BY: Robert W. Bash, Director, Internal Services/Chief Information Officer

SUBJECT: Memorandum of Understanding for Online Information Access to the California Department of Motor Vehicles Information System

RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute a Memorandum of Understanding between the State of California Department of Motor Vehicles and the County of Fresno Internal Services Department, for direct online information access, for a term of forty-eight months, effective upon execution by the State of California (\$0).**

There is no cost associated with the recommend action. The State of California Department of Motor Vehicles Information Security Office (DMV-ISO) has implemented a renewal process that calls for Memorandum of Understanding (MOU) renewals every four years, or when significant technology changes occur at Control Data Centers (CDCs), which provide access to DMV-ISO records for government agencies. The Internal Services Department Information Technology Division (ISD-IT) has been a DMV-ISO approved CDC since 1999. Approval of the recommended action would allow approved County departments and collaborative agencies the ability to use the County's network to conduct required background clearances, research, and investigations. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended action is not approved, non-law enforcement agencies within County departments, and agencies served by the ISD-IT network, will not have a mechanism to view DMV records.

FISCAL IMPACT:

There is no cost associated with the recommended action.

DISCUSSION:

ISD-IT is an authorized CDC for County Requester Agencies (Requester), including the Department of Social Service, Auditor-Controller/Treasurer-Tax Collector, and the Assessor's office. DMV-ISO implements a four-year renewal process for all CDCs. These CDCs provide access to DMV records for government agencies. This process is to ensure that the CDCs meet the DMV-ISO's minimum requirements and submit current topology. The term of the MOU is forty-eight months from the date the DMV-ISO approves ISD-IT's technical and security requirements. Per the MOU, if the MOU expires before a new MOU is set in place, the terms of the previous MOU will remain in effect until a new MOU is executed.

On November 30, 2004, your Board Authorized the Chief Information Officer to execute a separate MOU between each DMV-ISO approved "Requester" government agency, and the County. A Requester is a

government agency which is authorized and approved by the DMV-ISO for access only after that government agency has submitted a written application stating the reason(s) for access, the type of information needed, and the purpose of the information.

On August 6, 2013, your Board authorized a new MOU between the State of California Department of Motor Vehicles (DMV) and the County, for the access and use of the DMV information database.

In July 2017, a new MOU Agreement would have been required between the DMV and the County, however, as some of the reporting information was not yet established and because ISD-IT was undergoing a physical transition at the time, the DMV-ISO did not mandate an updated MOU.

On September 10, 2019, your Board authorized a MOU with the DMV-ISO to provide the County continued access and use of DMV records.

On September 7, 2023, the DMV-ISO provided the County with this new recommended MOU, to provide the County with continued access and use of DMV records under the same terms and conditions as the previous MOU, pending approval by your Board.

The recommended MOU defines the safeguards for protecting DMV data, such as:

- (1) Automatic cancellation for negligent or intentional misuse by the customer;
- (2) Legal safeguards requiring the customer to defend, indemnify and hold harmless the State, DMV and/or County for misuse of DMV data by the customer;
- (3) Customer on-site security procedures that must be established to protect the DMV records and ensure that the DMV information will not be used for purposes other than what is stated on the customer's DMV Application.

In addition, each person who has access to the DMV data must sign an Employee Security Statement Form. A copy of this form is kept on file by ISD-IT. Access terminals and printers must have physical security to ensure that the displayed data cannot be viewed by the public.

It should be noted that the DMV requires the Chairman to sign the MOU, prior to its execution of the MOU. Also, this MOU contains a non-standard provision, stating that the County may be responsible for all damages and costs, including attorney's fees, arising from noncompliance with any terms of the MOU. However, Risk Management has reviewed the MOU, and has found the document acceptable. ISD-IT believes the benefits of this MOU outweigh the risks associated with this non-standard provisions and is a prudent business decision. Approval of the recommended action will allow ISD-IT to enter into a new MOU with DMV-ISO which will provide continued access to DMV records.

REFERENCE MATERIAL:

BAI #40, September 10, 2019  
BAI #28, August 6, 2013  
BAI #27, November 30, 2004

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - MOU with the DMV-ISO

CAO ANALYST:

Ahla Yang