



Board Agenda Item 40

DATE: September 10, 2019

TO: Board of Supervisors

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

SUBJECT: Retroactive 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 retroactive 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, effective July 16, 2019, through July 15, 2023, or upon termination by either party (\$0).

There is no cost to the County associated with the recommended 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 Services Division (ISD-IT) has been a DMV-ISO approved CDC since 1999. Approval of the recommended action will allow for approved County Departments and collaborative agencies, using the County of Fresno'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.

RETROACTIVE AGREEMENT:

The recommended MOU was received from the DMV-ISO on July 16, 2019 with July 16, 2019 as the effective date.

FISCAL IMPACT:

There is no cost to the County associated with the recommended action.

DISCUSSION:

ISD-IT is an authorized CDC for County of Fresno Requester Agencies in addition to other agencies, including San Joaquin Valley Air Pollution Control District, and the City of Fresno Planning and Development Department, Code Enforcement Division. DMV-ISO implements a four-year renewal process for all CDC's, which provide access to DMV records for government agencies. The process is to ensure that the CDC's meet DMV-ISO's minimum security requirements, and submit current topology. The term of the MOU is

forty-eight (48) months from the date the DMV-ISO approves ISD-IT's technical and security requirements. By approving this MOU with the DMV-ISO, ISD-IT will continue, with the authorization last established on September 22, 2013, to access DMV information records.

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 government agency is authorized and approved by DMV-ISO for access after they have submitted a written application stating the reason(s) for access, the type of information needed, and the purpose for 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 of Fresno for the access and use of the DMV information database.

On/or about July, 2017, a new MOU Agreement would have been required between the State of California Department of Motor Vehicles (DMV) and the County of Fresno for the access and use of the DMV information database. However, due to ISD-IT's physical transition during this time, DMV-ISO did not mandate an updated MOU, as some of the reporting information was not yet established.

On July 16, 2019, the DMV-ISO provided the County a revised MOU, with July 16, 2019 as the effective date for the new revised MOU, for the access and use of DMV records, pending approval by the Fresno County Board of Supervisors.

Both the CDC and Requester Agencies' MOU's define the safeguards for protecting DMV data, such as: automatic cancellation for negligent or intentional misuse by the Customer; legal safeguards requiring the Customer to defend, indemnify and hold harmless the State, DMV and/or County of Fresno for misuse of DMV data by the Customer; Customer on-site security procedures that must be established to protect the DMV records, and that DMV information will not be used for purposes other than that 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 CA DMV requires the Chairman to sign the MOU prior to their signature. This MOU contains a non-standard provision requiring that the County may be responsible for all damages and costs, including attorney's fees, arising from its 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 provision, as a prudent business decision.

REFERENCE MATERIAL:

BAI #28, August 6, 2013

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - MOU Agreement

CAO ANALYST:

Yussel Zalapa