

STATE OF MINNESOTA

Office of the State Auditor



Rebecca Otto
State Auditor

WASHINGTON COUNTY
STILLWATER, MINNESOTA

AGREED-UPON PROCEDURES

NOVEMBER 29, 2017

Description of the Office of the State Auditor

The mission of the Office of the State Auditor is to oversee local government finances for Minnesota taxpayers by helping to ensure financial integrity and accountability in local governmental financial activities.

Through financial, compliance, and special audits, the State Auditor oversees and ensures that local government funds are used for the purposes intended by law and that local governments hold themselves to the highest standards of financial accountability.

The State Auditor performs approximately 150 financial and compliance audits per year and has oversight responsibilities for over 3,300 local units of government throughout the state. The office currently maintains five divisions:

Audit Practice - conducts financial and legal compliance audits of local governments;

Government Information - collects and analyzes financial information for cities, towns, counties, and special districts;

Legal/Special Investigations - provides legal analysis and counsel to the Office and responds to outside inquiries about Minnesota local government law; as well as investigates allegations of misfeasance, malfeasance, and nonfeasance in local government;

Pension - monitors investment, financial, and actuarial reporting for approximately 650 public pension funds; and

Tax Increment Financing - promotes compliance and accountability in local governments' use of tax increment financing through financial and compliance audits.

The State Auditor serves on the State Executive Council, State Board of Investment, Land Exchange Board, Public Employees Retirement Association Board, Minnesota Housing Finance Agency, and the Rural Finance Authority Board.

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**WASHINGTON COUNTY
STILLWATER, MINNESOTA**

November 29, 2017



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**Audit Practice Division
Office of the State Auditor
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INDEPENDENT AUDITOR'S REPORT ON APPLYING AGREED-UPON PROCEDURES

Dan Starry, Sheriff
Washington County Government Center
14949 62nd Street North
Stillwater, Minnesota 55082

We have performed the procedures enumerated below, which were agreed to by Washington County, to confirm Washington County's compliance with Minn. Stat. §§ 13.824 and 626.8472 regarding Automated License Plate Readers (ALPRs). Specifically, the agreed-upon procedures used herein were designed to determine whether data currently in the County's records are classified properly, how the data are used, whether data are being destroyed as required by Minn. Stat. § 13.824, and to determine whether there is compliance with Minn. Stat. § 13.824, subd. 7. Washington County's management is responsible for the County's compliance with Minn. Stat. §§ 13.824 and 626.8472 regarding ALPRs. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of Washington County. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

1. Procedure

Determine that a written policy governing ALPR use that incorporates the requirements of Minn. Stat. § 13.824 and the employee discipline standards for unauthorized access to data exists and is enforced.

Findings

We obtained a copy of the County's ALPR policy and compared it to the requirements of Minn. Stat. § 13.824. All the requirements of this statute are reflected in the County's policy, including references regarding unauthorized access or use of ALPR data and corresponding discipline, should a breach occur.

2. Procedure

Determine that the data collected by ALPRs are limited in accordance with statutes.

Findings

Washington County uses the ELSAG system. ALPRs have been in use since 2012. There are three mobile ALPRs. A report was run from ELSAG on November 1, 2017, for all of the license plate hit data currently retained by the County. There were 541 license plate hits within the past 30 days. A random number generator was used to select a sample of 40 license plate hits for testing. Minnesota Statutes, section 13.824, subd. 2(a), limits the data collected by ALPRs to license plate numbers; date, time, and location data on vehicles; and pictures of license plates, vehicles, and areas surrounding the vehicles. We inspected the sample data from ELSAG to confirm that only the data allowed was collected by the County. No exceptions were noted for the items inspected.

3. Procedure

Determine that the data collected by ALPRs are appropriately classified.

Findings

Washington County's ALPR policy recognizes that ALPR data collected will be safeguarded and protected. The County informed us that it did not receive any public requests for ALPR data since August 1, 2015.

We inspected the audit trail report for the period July 5, 2016, to November 1, 2017. During this period, no instances of exporting ALPR data were observed. There were 21 license plate searches by County staff during this period, of which we inspected three. No ALPR data was identified as being shared with outside agencies.

4. Procedure

Determine that a public log of use is maintained in accordance with statutes.

Findings

Currently, there is not a consolidated report from ELSAG that would provide all the information required under Minn. Stat. § 13.824, subd. 5(a).

The ELSAG system does not track the start and stop times of the ALPR in the vehicle; thus, it would not be able to provide the specific times of day that the reader actively collected data as required by Minn. Stat. § 13.824, subd. 5(a)(1).

Summarized data of the number of license plates in the ELSAG system can only be narrowed down to a specific day. Detailed license plate hit data is only retained by the County for 30 days. Detailed license plate read data is not retained by the County. The County is unable to provide the summarized information required to be maintained as a log of use as identified in Minn. Stat. § 13.824, subd. 5(a)(2) and (3), if there was more than one active period of use in a day and if more than 30 days old. The County does not maintain the log of use information for longer than 30 days.

Minnesota Statutes, section 13.824 provides different records retention treatment for (1) “data collected by an automated license plate reader,” and (2) a “public log of its use.” Under subdivision 3, much of the “data collected by an automated license plate reader” must be destroyed within 60 days notwithstanding the general records retention statute requirements in Minn. Stat. § 138.17. The statute does not set a retention period for the log of use information that is described in and that the law enforcement agency must maintain under subdivision 5. In addition, the log of use is not subject to the subdivision 3 exception to the application of Minn. Stat. § 138.17. The log of use, therefore, must be maintained for longer than 60 days. The log of use information may only be destroyed pursuant to Minn. Stat. § 138.17, which generally means pursuant to a properly approved records retention schedule or Application for the Disposal of Records (PR-1).

Washington County has not owned or used a fixed stationary ALPR.

5. Procedure

Determine that, if used, a list of current and previous locations of fixed stationary ALPRs is maintained along with notification of such to the Bureau of Criminal Apprehension.

Findings

Washington County has not owned or used a fixed stationary ALPR.

6. Procedure

Determine that the data collected by ALPRs is safeguarded, allowing role-based access for use with a legitimate, documented law enforcement purpose as authorized in writing.

Findings

A user access report was run from ELSAG on November 1, 2017. The user access list was restricted to two individuals within the County Sheriff’s Office based on their official roles.

The audit trail report for the period July 5, 2016, to November 1, 2017, was inspected. During this period, there were 21 license plate searches of ALPR data performed by County Sheriff's Office staff. A sample of three license plate searches was haphazardly selected to confirm there was a legitimate, documented law enforcement purpose for the access. We were informed that one of the three searches was a search to test user access using a license plate number known to the Sheriff's Office and, therefore, did not have a legitimate, documented law enforcement purpose as required by Minn. Stat. § 13.824, subd. 7(b) and (c). No other exceptions were noted.

Minnesota Statutes, section 13.824, subd. 7(b), requires that law enforcement personnel have access to ALPR data only if authorized in writing by the chief of police, sheriff, or head of the law enforcement agency, or their designee to obtain access for "a legitimate, specified and documented law enforcement purpose." Washington County's ALPR policy designates the Administration Division Commander with this responsibility. The County did not have written authorization for the two individuals who currently have access to the ELSAG system based on their official roles. The County also did not have written authorization for the three sample license plate searches inspected.

7. Procedure

Determine that a data audit trail exists to document all access activity.

Findings

The County performed an upgrade to the ELSAG system on July 5, 2016, at which time all of the ALPR data actions prior to this date were lost. An audit trail report was run from ELSAG on November 1, 2017, for all of the ALPR data actions in the system, which consisted of information from July 5, 2016, to November 1, 2017. This audit trail report contained all activity of the ALPR data actions in compliance with Minn. Stat. § 13.824, subd. 7(c). No other exceptions were noted.

8. Procedure

Determine that collected ALPR data is destroyed in accordance with statutes.

Findings

Minnesota Statutes, section 13.824, subd. 3(a), requires collected ALPR data to be destroyed no later than 60 days from the date of collection, with specific exceptions. Washington County has a 30-day ALPR data retention policy. A report was run from ELSAG on November 1, 2017, for all of the license plate hit data currently retained by the County. The oldest license plate hit was from October 2, 2017. No exceptions to the data destruction requirements were noted.

* * * * *

We were not engaged to, and did not, conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the County's compliance with Minn. Stat. §§ 13.824 and 626.8472 regarding ALPRs. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of Washington County and is not intended to be, and should not be, used by anyone other than those specified parties.

/s/Rebecca Otto

/s/Greg Hierlinger

REBECCA OTTO
STATE AUDITOR

GREG HIERLINGER, CPA
DEPUTY STATE AUDITOR

November 29, 2017

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