![protiviti - Face the Future with Confidence]

PUBLIC RECORDS REVIEW

June 2020

CENTRAL FLORIDA EXPRESSWAY AUTHORITY

Internal Audit, Risk, Business & Technology Consulting

TABLE OF CONTENTS

protiviti

EXECUTIVE SUMMARY

Overview and Objectives

In accordance with the fiscal year 2020 Internal Audit Plan, Internal Audit reviewed the existing policies, current processes, and procedures surrounding Central Florida Expressway Authority's ("CFX") management of public records, including electronic records management, record collection and document retention.

As a public agency, CFX is required to comply with Chapter 119 of the Florida Statutes, also known as the Florida Public Records Law. The law provides that any records made or received by any public agency in the course of its official business are available for inspection, unless specifically exempted by the Florida Legislature. Public records include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by CFX.

The CFX Records Management department consists of a Records Management Specialist, Sr. Records Clerk, and a Director of Records Management, who also serves as the agency's Records Management Liaison Officer (RMLO) with Florida's Division of Library and Information Services. CFX selects Record Coordinators within each department to work with Records Management. The Records Management function and Record Coordinators are jointly responsible for maintenance, retention, preservation, and destruction of public records as required by the Public Records Law. CFX manages public records in various forms, including paper records, electronic documents, electronic mail (email), and text messages. CFX utilizes a commercial offsite storage vendor to store physical records boxes and leverages the vendor's web-based portal to track the contents of the offsite boxes. CFX uses a combination of the offsite storage vendor and a shredding vendor for public records destruction for records that have met retention requirements. CFX is in the process of implementing a new content management platform, Hyland OnBase, that will serve as the master repository for long-term and permanent public records.

This review focused on CFX's records and information management processes and the four cornerstones of a sustainable information governance program:

1. Compliance with internal policies and procedures and Florida statutory requirements;
2. Operational efficiencies to minimize disruptions to business operations and improve ways to create, use and dispose of data;
3. Cost savings from practical solutions that reduce storage and retrieval costs, as well as requirements for responding to public record requests, investigations, litigation or regulatory requests; and
4. Defensible processes in routine business operations that allow organizations to demonstrate reasonable and good faith efforts when challenged.

protiviti

EXECUTIVE SUMMARY

⊚ | Project Scope and Approach

As part of this review, Internal Audit:

➤ Reviewed CFX's public records policies, processes, and procedures surrounding custodial requirements, maintenance, preservation, retention, exemptions, destruction of public records, and employee training and awareness;

➤ Documented key risks and controls;

➤ Evaluated the design and operating effectiveness of key controls; and

➤ Reviewed existing tools and technology used to store, monitor, retrieve, and control electronic records and communications.

protiviti

EXECUTIVE SUMMARY

Summary of Audit Procedures Performed and Results

The areas reviewed, audit observations, and related recommendations are outlined below:

Process	Key Areas Reviewed	Number of Observations	Observation Reference	Relative Priority
Policies and Procedures	✓ Reviewed CFX's public records management process to comply with the Florida Public Records statues surrounding custodial requirements, maintenance, preservation, retention, exemptions, and destruction of public records.	-	N/A	N/A
Training and Awareness	✓ Determined how public records requirements are communicated to Authority employees, committee members, and the board of directors. ✓ Evaluate the public records management training process.	-	N/A	N/A
Technology	✓ Determined what technologies are currently utilized to retain electronic communication via text messaging and email at CFX. ✓ Reviewed the configurations of identified technologies to determine how electronic communication is captured or stored. ✓ Reviewed the processes in place to review the records that are captured and stored within CFX's environment.	1	1	1 - Moderate
Records Collection and Retention	✓ Reviewed CFX's records management process for organizing, identifying, and tracking offsite storage records.	-	N/A	N/A
Records Destruction	✓ Reviewed CFX's process and internal controls for destroying public records that have met retention requirements.	2	2, 3	2 - Moderate 3 – Low
	TOTALS:	**3**		

protiviti

DETAILED OBSERVATIONS

DETAILED OBSERVATIONS

Observation 1 – Smarsh Enrollment

Relative Priority

Moderate

Policies and Procedures

Training and Awareness

Technology

Records Collection and Retention

Records Destruction

Observation

CFX utilizes the Smarsh application to collect and store text messages sent to or from CFX-issued mobile devices. As mobile devices are assigned to CFX users, they are typically enrolled into the Smarsh application by an IT Administrator. However, all CFX-issued mobile devices were not consistently enrolled in the Smarsh application because the assigned CFX users stated they would not use text messaging for CFX business matters.

In addition, due to remote workforce conditions related to the COVID-19 pandemic, 13 mobile devices, which were assigned to CFX users beginning in March 2020, were not enrolled into Smarsh.

Without enrolling each CFX-assigned mobile device into the Smarsh platform, text messages sent or received from these devices will not be captured within the text message archival system, which may result in CFX being unable to produce text messages that qualify as public records when public records requests are made.

Recommendation

CFX Management should consider requiring enrollment of 100% of CFX-assigned mobile devices into the Smarsh application and provide guidance to administrators and device users.

Once this guidance is provided, the Smarsh Administrator should inventory devices assigned to CFX, reconcile against devices enrolled into Smarsh, and provision any missing devices, as necessary, into the Smarsh platform. This includes enrolling the 13 newly assigned mobile devices as well as any existing mobile devices that have not been previously enrolled into Smarsh.

Additionally, management should develop a process to periodically review and reconcile the listing of CFX users and mobile devices against the inventory of provisioned devices within Smarsh to validate that text messages from all devices are being captured as required.

protiviti

DETAILED OBSERVATIONS

Observation 1 – Smarsh Enrollment (continued)

Relative Priority

Moderate

Policies and Procedures

Training and Awareness

Technology

Records Collection and Retention

Records Destruction

Management Response

Management concurs.

Management Action Plan

Management will require enrollment of all CFX-issued devices into the Smarsh application (or similar software) and will develop a procedure to enroll all devices into Smarsh automatically when the device is configured and issued to the assigned user.

Management will offer solutions to address "bring your own device" scenarios to ensure all business-related text messages are captured in accordance with statutory obligations

Management will also ensure all existing devices are enrolled into the Smarsh application by the end of the calendar year.

Action Plan Owner / Due Date

Rafael Millan, Director of Information Technology / December 31, 2020

protiviti

DETAILED OBSERVATIONS

Observation 2 – Public Records Destruction

Relative Priority

Moderate

Policies and Procedures

Training and Awareness

Technology

Records Collection and Retention

Records Destruction

Observation

Florida Administrative Code 1B-24.003(1)(a) provides General Records Schedules which establish minimum retention requirements for records based on the legal, fiscal, administrative, and historical value of those records to the agencies and to the State of Florida. CFX's policy is to destroy records in accordance with these guidelines after the required minimum retention has been met. CFX has outlined requirements for the retention of public records according to a defined retention schedule, and as the length of time defined for each record type is met based on the retention schedule, records are permitted to be destroyed.

Although records destruction procedures and schedules are clearly defined, records which have exceeded their retention requirements are not being systematically and periodically destroyed consistently. This includes all records, electronic and hardcopy, which are stored onsite, offsite, and virtually. For some electronic records created and stored within CFX (such as files and folders stored on Departmental network file shares, files generated as system or application transaction logs, violation enforcement system images, and other business files), a process is not currently in place to identify and perform data destruction based upon the retention schedule. This is more pronounced within electronic storage locations that are unstructured. As a result, some electronic data types are being kept indefinitely.

The timely destruction of public records once retention is met would help reduce electronic and manual resource requirements and associated costs of storage. In addition, public records held beyond the retention period would need to be produced in the event of a public record request. Timely destruction of records could reduce labor requirements for the discovery of items that should have been destroyed in the event of a sizeable public records request.

Recommendation

CFX implementation of the OnBase Enterprise Content Management System should facilitate more comprehensive and centralized document management capabilities. To accompany the OnBase implementation and records migration processes currently in-flight across CFX, management may benefit from development and documentation of a Records Management road map that outlines the remaining steps necessary to mature the Records Management function and achieve a future-state process that includes systematic and periodic disposal of electronic and hardcopy records in accordance with the retention schedule. This plan should be approved by executive management to reach agreement and commitment of resources and should be subsequently communicated to all participating departments within the agency.

protiviti

DETAILED OBSERVATIONS

Observation 2 – Public Records Destruction (continued)

Relative Priority
Moderate

Policies and Procedures

Training and Awareness

Technology

Records Collection and Retention

Records Destruction

Recommendation (continued)

For electronic records, the road map should consider a timeline and process by which the departments will import all electronic documents into the agency's electronic document management solution, OnBase, which allows retention parameters to be set for different types of documents. Agency-wide utilization of the OnBase solution will allow for the systematic review and destruction of records which are no longer required to be retained.

For hardcopy records, the road map should consider a timeline and process to review documents eligible for destruction with the related department(s). Additionally, if a department requests to retain documents beyond the prescribed period, a standardized process should be implemented to assign and review additional retentions.

Additionally, as part of the road map, management may explore leveraging records management features available within other software suites used across the organization, such as Microsoft 365 Records Management for document classification and labeling, managing retention, and disposal capabilities within the Office365 environment.

Management Response

Management concurs.

Management Action Plan

Management will develop and document a road map to achieve a future-state process that includes systematic and periodic disposal of electronic and hardcopy records in accordance with policy and statutory obligations. The road map will help document dependencies, challenges, resource needs, management decision points, etc.

Action Plan Owner / Due Date

Tim O'Toole, Director of Records Management / June 30, 2021

protiviti

DETAILED OBSERVATIONS

Observation 3 – Offsite Public Records Destruction

Relative Priority

Low

Policies and Procedures

Training and Awareness

Technology

Records Collection and Retention

Records Destruction

Observation

CFX has contracted with Access Records Storage to facilitate the offsite storage and periodic destruction of archived public records. Within two business days of disposal, the vendor is contractually required to provide CFX with a Certificate of Destruction. In accordance with the vendor contract, the Certificate of Destruction should include, at a minimum, the following characteristics:

1. Date/time of destruction,
2. Location where destruction took place,
3. Name of person performing destruction,
4. Name of witness,
5. Description of item destroyed, and
6. Method of destruction.

The Certificates of Destruction reviewed during the audit only included date of destruction, box number, and item code, representing a departure from contract terms.

Recommendation

CFX should determine if current contractual requirements for the Certificates of Destruction are necessary to comply with Florida Public Records Law. Based on this determination, CFX may contact its offsite storage vendor and request compliance with the contract terms. Alternatively, if the missing information is not required for compliance, CFX should amend the contract with the offsite storage vendor.

Management Response

Management concurs.

Management Action Plan

Management will coordinate with the vendor to amend the contract terms to better align the information disclosed on the Certificates of Destruction with what is required to comply with Florida Public Records Law.

Action Plan Owner / Due Date

Tim O'Toole, Director of Records Management / December 31, 2020

protiviti

Face the Future with Confidence

protiviti®