



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
February 19, 2010

SUMMARY OF FINDINGS/RECOMMENDATIONS

The Inspector General determined that New York State Department of Motor Vehicles (DMV) employee Sharlene Brown violated DMV policy and the federal Driver's Privacy Protection Act when she accessed the DMV database for purposes that were unauthorized and unrelated to her official responsibilities. Brown was fined \$1,000 by DMV for her actions, with \$775 of the fine held in abeyance.

ALLEGATION

On March 26, 2009, the Inspector General received a complaint alleging that Sharlene Brown, a DMV employee, used her position to obtain personal information about a female individual which Brown then used to harass that individual and damage her property.

SUMMARY OF INVESTIGATION

As part of their duties, DMV employees are granted electronic access to New York State drivers' personal information in DMV's database. Under statute and DMV policy, a DMV employee granted access to DMV records is prohibited from using this information for non-official DMV matters. The federal Driver's Privacy Protection Act (18 U.S.C. section 2722 et seq.) states, in part, "It shall be unlawful for any person knowingly to obtain or disclose personal information, from a motor vehicle record, for any use not permitted under section 2721(b) of this title." In addition, the DMV Employee Handbook, section 10.6, entitled "Disclosure of Information," states:

Any misuse of file information by an employee (that is, the use of information for any purpose other than the processing of official Department business) could lead to legal action against the Department [of Motor Vehicles]. Therefore, an employee may not obtain, ask any other employees to obtain, or use customer file information for any purpose other than carrying out his or her assigned duties in the Department. Any violation of this policy is subject to disciplinary action.

Sharlene Brown has been employed by DMV for 16 years and is currently assigned to DMV's Swan Street office in Albany as a Data Entry Processor. In this position, Brown has access to DMV's computerized database.

In a voluntary sworn interview with the Inspector General, Brown reported that on or about February 1, 2009, she broke up her with boyfriend and signed over to him the title and registration to her vehicle, a 1998 Dodge Stratus. However, Brown stated, she neglected to remove the license plates from the vehicle. According to Brown, on about the same date she received a notice from her insurance company that the coverage on her vehicle had expired due to non-payment, and that she was required to either make a premium payment or surrender the vehicle's plates to DMV.

Brown testified to the Inspector General that she repeatedly phoned her ex-boyfriend asking him to surrender the plates, and she admitted that on several occasions she accessed the DMV computer database, conducting a search using the vehicle's identification number to determine if he had done so. Brown related that during one of these computer searches, she learned that the vehicle had been newly registered to a female individual. In her testimony, Brown further admitted that she accessed the DMV database to check on the driver license status of her former boyfriend. However, Brown denied searching the database for any information regarding the female individual in whose name the car was then registered.

An audit of Brown's computer usage produced evidence directly contradicting this assertion. Brown had in fact accessed the DMA database to obtain information about the female, who the Inspector General determined was the new girlfriend of Brown's ex-boyfriend. The computer audit showed that Brown had accessed the database for information about the female twice on February 6, 2009, and again on February 10, 2009, when she also accessed the car's registration information. The audit further showed that on March 3, 2009, Brown accessed the database for information concerning several vehicles registered to the female individual. The Inspector General determined that no business purpose existed for conducting these searches, all of which would have provided Brown with the female individual's home address and other personal information.

In an interview with the Inspector General, the female individual stated that she was asked by her boyfriend (Brown's former boyfriend) to register his car in her name because his license was suspended. She stated that shortly after registering the car, she began receiving harassing phone calls at work and at home from an unknown female caller. She also reported that the word "slut" was scratched into the side of her own car while it was parked at her residence. Brown, in her testimony to the Inspector General, denied contacting the female individual or damaging her car.

DMV filed disciplinary charges against Brown for accessing the DMV database for purposes unrelated to her official duties. The charges were settled with Brown being fined \$1,000, of which \$775 was held in abeyance.

FINDINGS AND RECOMMENDATIONS

The Inspector General determined that DMV employee Sharlene Brown violated DMV policy and the federal Driver's Privacy Protection Act when she accessed the DMV database for purposes that were unauthorized and unrelated to her official responsibilities. Brown was fined by DMV for her misconduct.