



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
January 8, 2010

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that Courtney Dempsey, an Investigator employed by the New York State Department of Motor Vehicles (DMV), improperly accessed a DMV database for personal reasons. The Inspector General referred this matter to DMV for appropriate disciplinary action.

ALLEGATION

On September 25, 2009, Owen McShane, DMV's Director of Field Investigations, informed the Inspector General that DMV had received a complaint from a licensed motorist that Dempsey had allegedly improperly accessed her personal driver information via a DMV computer.

SUMMARY OF INVESTIGATION

On or about September 23, 2009, the motorist contacted DMV, complaining that Dempsey had improperly accessed her motor vehicle record and transmitted the information to her boyfriend's estranged wife. The complaint was referred within DMV to McShane, who reported the alleged misconduct to the Inspector General. The Inspector General conducted a sworn interview of the motorist and her boyfriend.

The federal Driver's Privacy Protection Act (Title 18 of the United States Code §§ 2721-2725) bars the knowing disclosure of personal information about an individual maintained by any state department of motor vehicles, unless the disclosure is for one of the specific limited uses set forth in the statute. Accordingly, § 10.6 of the DMV Employee Handbook, entitled "Disclosure of Information," reminds employees of the applicable legal restrictions on access and disclosure and provides that "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." DMV policy further admonishes employees that, "Any violation of this policy is subject to disciplinary action."

The motorist testified that she had learned from her boyfriend that, during an argument, his estranged wife had mentioned private personal information about the motorist. The boyfriend informed the Inspector General that both he and his estranged

wife had been friendly with Dempsey, and that the estranged wife had recently bragged that Dempsey had provided confidential information about the motorist to her.

DMV has advised the Inspector General that based upon its examination of electronic records, Dempsey accessed the motorist's record on one occasion, on April 13, 2009, and that this access was outside the purview of Dempsey's work.

In a voluntary examination under oath before the Inspector General, Dempsey admitted that, although she had received training regarding the proscription against accessing DMV databases for personal use, she had nonetheless done so on a "handful" of occasions at the request of friends seeking to determine whether their licenses were suspended. When specifically asked whether she had accessed the DMV databases for information regarding the complaining motorist, Dempsey declined to continue the interview and sought the assistance of counsel, who thereafter informed the Inspector General that Dempsey refused to testify further regarding the matter.

FINDINGS AND RECOMMENDATIONS

The Inspector General found that Courtney Dempsey improperly accessed a DMV database for personal use. The Inspector General referred this matter to DMV for appropriate disciplinary action and also forwarded these findings to the Queens County District Attorney for his review.

DMV advised the Inspector General that it has begun the process to commence appropriate action against Dempsey.