



## COUNTY OF HUMBOLDT

AGENDA ITEM NO.

**D-5**

For the meeting of: October <sup>25</sup>~~18~~, 2016

Date: September 28, 2016

To: Board of Supervisors

From: Amy S. Nilsen, County Administrative Officer *AN*

Subject: Memorandum of Understanding between the California Department of Motor Vehicles (DMV) and County of Humboldt, Information Technology (IT) Division.

### RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve and authorize the Information Technology Division Director to sign three (3) original copies of the California Department of Motor Vehicles Memorandum of Understanding (MOU) (Attachment 1).

SOURCE OF FUNDING: Information Technology Fund

### DISCUSSION:

Various county departments utilize DMV access for different reasons pertaining to their departmental needs. Humboldt County IT provides technical support to county departments that access the DMV system. In the past, these various county departments were required to have their own individual MOUs with the DMV.

Prepared by Sandy Allsop, IT Applications Analyst Supervisor CAO Approval *E. Shickel*

#### REVIEW:

Auditor \_\_\_\_\_ County Counsel *BA* Human Resources *df* Other \_\_\_\_\_

#### TYPE OF ITEM:

☒ Consent  
☐ Departmental  
☐ Public Hearing  
☐ Other \_\_\_\_\_

#### PREVIOUS ACTION/REFERRAL:

Board Order No. \_\_\_\_\_

Meeting of: \_\_\_\_\_

#### BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Fennell* Seconded by Supervisor *Bass*

Ayes *Sundberg, Fennell, Lovelace, Bahn, Bass*  
Nays \_\_\_\_\_  
Abstain \_\_\_\_\_  
Absent \_\_\_\_\_

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: *Oct. 25, 2016*

By: *Kathy Hayes*  
Kathy Hayes, Clerk of the Board

The attached MOU supersedes prior MOUs, and includes new requirements for Humboldt County IT that were not in place in the previous MOU executed on December 15, 2009. Cyber threats are becoming more prevalent and sophisticated, to combat this increasing risk, stronger security measures are needed. The DMV is now requiring Humboldt County IT to be responsible for securely storing security logs for each department with DMV access. Humboldt County IT is not currently in control of departments' DMV security logs, but will work with the impacted departments on their compliance.

FINANCIAL IMPACT:

There will be no significant financial impact as a result of the recommended action. County IT staff time is required for preparing yearly DMV Information Security Agreement forms for each department.

This action supports your Board's Strategic Framework, Priorities for New Initiatives, by managing resources to ensure sustainability of services.

OTHER AGENCY INVOLVEMENT:

California Department of Motor Vehicles  
Humboldt County Assessor Department  
Humboldt County Tax Collector Department

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could chose not to approve the MOU, this alternative is not recommended because it would result in county departments not being able to access DMV information.

ATTACHMENTS:

Memorandum of Understanding California DMV and Humboldt County Information Technology Division

**California Department of Motor Vehicles  
Memorandum of Understanding  
Humboldt County Information Technology  
Division**

This Memorandum of Understanding (MOU) between the Department of Motor Vehicles, State of California (DMV) and the Humboldt County Information Technology Division (Humboldt County ITD) at 839 Fourth Street, Eureka, CA 95501, is to provide direct online information access to approved government agencies (Requesters) via Humboldt County ITD's network. The following terms and conditions will be followed by the identified parties of this MOU:

1. Any modification or amendment to this MOU must be in writing and signed by both parties.
2. This MOU is for a term of forty-eight (48) months from the date of DMV approval. If this MOU expires, the provisions herein remain in effect until a superseding MOU is executed.
3. DMV may, without notice, terminate services if its information is used for an unapproved purpose or failure to comply with any statute or regulation relating to information privacy or security.
4. DMV or Humboldt County ITD may terminate this MOU without cause by providing written notice of such intent. Notice must be on agency letterhead and be received not less than thirty (30) days prior to the date of termination. Notice is deemed received five (5) days from the date of mailing or electronic transmission. Notice from DMV will be directed to the address provided by Humboldt County ITD. Notice from Humboldt County ITD will be directed to:

Department of Motor Vehicles  
Electronic Access and Security Section  
P.O. Box 942890, Mail Station H-225  
Sacramento, CA 94290-0890  
(916) 657-5582  
(916) 657-5907 (FAX)

5. Humboldt County ITD may be responsible for all damages and costs, including attorney fees, arising from its noncompliance with any terms herein. This provision is not intended to make Humboldt County ITD responsible for the acts or omissions of any Requester and all rights, defense, and protections granted as a matter of law are reserved to Humboldt County ITD.
6. Humboldt County ITD and its officers, agents and employees shall act in an independent capacity and not as officers, agents or employees of DMV.
7. Humboldt County ITD shall establish security procedures to protect the dissemination of confidentiality of DMV information in compliance with California Vehicle Code Section 1808.47.
8. Humboldt County ITD shall ensure employees having any access to DMV information complete an Information Security Statement (INF 1128). Humboldt County ITD shall maintain and make available to DMV **upon request** each INF 1128 for two (2) years beyond the term of its account.
9. Humboldt County ITD shall report any unauthorized access or use of DMV information within one (1) day from date of discovery to DMV's Information Services Branch at 916-657-5583. In addition, Humboldt County ITD shall provide written documentation regarding the incident within three (3) business days to:  

Department of Motor Vehicles  
Manager, Policy and Information Privacy Section  
P.O. Box 942890, Mail Station H-225  
Sacramento, CA 94290-0890  
(916) 657-5583  
(916) 657-5907 (FAX)
10. If Humboldt County ITD's system accesses or maintains DMV information and there is a breach of its security, Humboldt County ITD shall provide notice of the breach to affected California residents pursuant to California Civil Code Section 1798.29.
11. Humboldt County ITD shall maintain and make available a list of all Requesters using its network to access DMV information.
12. DMV is not responsible for costs and maintenance of communication lines used to access its information.

13. Humboldt County ITD shall log and securely store the agency and user identity, including indirect requesters, date and time when the information is requested from DMV. Logs shall be maintained for two (2) years from the date of the transaction and shall be available to DMV for audit purposes.
14. Humboldt County ITD agrees to accommodate DMV's request for an inspection, review or audit immediately upon request from DMV or DMV's representative and to allow on-site audits during regular business hours for purposes of determining compliance with the terms of this MOU.
15. Humboldt County ITD will comply with all DMV Information Security Agreement provisions, including implementing and maintaining the approved configuration security of its network connectivity for transmission of DMV data. Any proposed changes must be approved by DMV prior to implementation.

I agree to the provisions herein.

Executed at: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
City County State

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
Authorized Signatory (Manager/CEA/Deputy Director)

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**STATE OF CALIFORNIA**  
Department of Motor Vehicles

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
TAM-THAO N. LE, Program Manager  
Information Services Branch