STATE OF MINNESOTA

Office of the State Auditor

Julie Blaha
State Auditor

MINNESOTA STATE PATROL
SAINT PAUL, MINNESOTA

AGREED-UPON PROCEDURES

January 22, 2020

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 100 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 Minnesota's local 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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Audit Practice Division
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JULIE BLAHA
STATE AUDITOR

INDEPENDENT AUDITOR'S REPORT
ON APPLYING AGREED-UPON PROCEDURES

Colonel Matthew Langer
Minnesota State Patrol
445 Minnesota Street
Saint Paul, Minnesota 55101-5155

We have performed the procedures enumerated below, which were agreed to by the Minnesota State Patrol, to confirm the Minnesota State Patrol'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 State Patrol'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. The Minnesota State Patrol's management is responsible for the State Patrol'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 the Minnesota State Patrol. 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 copies of the State Patrol's License Plate Reader and Data Practices – Classification and Dissemination policies and compared them to the requirements of Minn. Stat. § 13.824. All the requirements of this statute are reflected in the State Patrol's policies, 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

    The Minnesota State Patrol uses the PIPS Technology system. ALPRs have been in use since 2008, and the State Patrol currently operates 13 mobile ALPRs. A report was run from PIPS on January 7, 2020, for all of the license plate hit data currently retained by the State Patrol. There were 27 license plate hits within the previous two days. A random number generator was used to select a sample of ten license plate hits for testing. Minnesota Statutes, section 13.824, subdivision 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 PIPS to confirm that only the data allowed was collected by the State Patrol. No exceptions were noted for the items inspected.

3. Procedure

    Determine that the data collected by ALPRs are appropriately classified.

    Findings

    The Minnesota State Patrol's License Plate Reader and Data Practices – Classification and Dissemination policies recognize that ALPR data collected will be safeguarded and protected. The State Patrol informed us that it has not received any public requests for ALPR data.

    The Minnesota State Patrol had one instance of sharing data from the ALPR system with an outside agency in the period January 6, 2018, to January 6, 2020. The data shared with the outside agency was compliant with statute and the State Patrol's policy. No exceptions were noted for the item inspected.

    We inspected the audit trail report for the period January 6, 2018, to January 6, 2020. During this period, no instances of exporting ALPR data were observed.

4. Procedure

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

Findings

The audit trail report was run from PIPS on January 7, 2020, for the period January 6, 2018, to January 6, 2020. We inspected the audit trail report and noted that the report was able to provide all the data as required by Minn. Stat. § 13.824, subd. 5(a). The Minnesota State Patrol also prepares and maintains an additional log with all the data as required by Minn. Stat. § 13.824, subd. 5(a).

The Minnesota State Patrol 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

The Minnesota State Patrol 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 PIPS on January 7, 2020. The user access list was restricted to individuals within the Minnesota State Patrol based on their official roles.

The audit trail report for the period January 6, 2018, to January 6, 2020, was inspected. During this period, no license plate searches of ALPR data performed by the Minnesota State Patrol staff were noted.

Minnesota Statutes, section 13.824, subdivision 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." The Minnesota State Patrol's License Plate Reader and Data Practices – Classification and Dissemination policies do not designate this responsibility to any one individual. However, based on observation, initial written authorization is obtained from the Director of Operations and Asset Management to gain access to the PIPS system.

7.   <u>Procedure</u>

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

<u>Findings</u>

An audit trail report was run from PIPS on January 7, 2020, for all of the ALPR data actions in the system between January 6, 2018, and January 6, 2020. This audit trail report contained all activity of the ALPR data actions in compliance with Minn. Stat. § 13.824, subd. 7(c). No exceptions were noted.

8.   <u>Procedure</u>

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

<u>Findings</u>

Minnesota Statutes, section 13.824, subdivision 3(a), requires collected ALPR data to be destroyed no later than 60 days from the date of collection, with specific exceptions. The Minnesota State Patrol has a two-day ALPR data retention policy. A report was run from PIPS on January 7, 2020, for all of the license plate hit data currently retained by the State Patrol. 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 Minnesota State Patrol'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 the Minnesota State Patrol and is not intended to be, and should not be, used by anyone other than those specified parties.

/s/Julie Blaha   */s/Greg Hierlinger*

JULIE BLAHA   GREG HIERLINGER, CPA
STATE AUDITOR   DEPUTY STATE AUDITOR

January 22, 2020