



Department of Environmental Protection Office of Inspector General

December 6, 2024

Report A-2324DEP-027

Audit of Department Compliance with Requirements for Records Retention Scheduling and Disposition under Chapter 1B-24, Florida Administrative Code

INTRODUCTION

The Florida Department of Environmental Protection (Department) Office of Inspector General (OIG) conducted an audit of Department Compliance with Requirements for Records Retention scheduling and dispositions under Chapter 1B-24, Florida Administrative Code (F.A.C.) This audit was initiated as a result of the OIG Annual Audit Plan for Fiscal Year (FY) 2023-2024.

AUDIT SCOPE, OBJECTIVES, AND METHODOLOGY

The scope of the audit included a review of the records retention scheduling and disposition process for electronic documents stored in the Department's Electronic Document Management System (OCULUS¹) for activities beginning July 1, 2022, to present. The objective of the audit was to evaluate the Department's compliance with records retention scheduling and disposition requirements in accordance with Department and State guidance for electronic documents stored in OCULUS.

To achieve our audit objectives, our methodology included:

- Reviewing applicable statutes, regulations, and Department policies.
- Conducting analyses of documentation and reporting of records retention and disposition activities within OCULUS.
- Interviewing Department employees regarding OCULUS activities.

BACKGROUND

Department Directive DEP 375 addresses the preservation and retention of records in accordance with Florida law, Directives, policies and procedures, and Department of State (DOS) policies. According to DEP 375, the Office of the Ombudsman is responsible for processing and reporting Records Deposition Requests and updating the Department's Records Retention Schedule. OCULUS is the Electronic Document Management System (EDMS) used by the Department to electronically store public records. Guidelines and instructions related to the oversight and administrative procedures for the EDMS is outlined within the Administrative Policy ADM 371 as they

¹ OCULUS is a web-based system which is accessible through the internet.

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relate to access management, records management, records retention, and security of confidential records.

RESULTS OF AUDIT

During the audit, we reviewed Department directives, policies, and procedures for the oversight of retention and disposition of records stored in OCULUS. We met with the Department's Ombudsman, Records Management Liaison Officer (RMLO), Office of Technology and Information Systems (OTIS), and Department staff within select Divisions regarding the retention and disposition of Department records. Based on our review we found the following:

Records Disposition Process

The Department has established the process for deleting records in OCULUS within DEP 375. Records shall be disposed of in accordance with the GS1-SL² and Department Retention Schedules and following the disposition process. Records that have a retention schedule of "obsolete, superseded, or lost administrative value" may be disposed of at the direction of leadership within any given divisional unit. The process for disposition of OCULUS records includes, but is not limited to:

- The Records Retention Liaison (RRL) or Assistant Records Retention liaison (ARRL) shall complete and submit the Records Disposition Request, which may be filed up to ninety (90) days before the anticipated destruction date, so long as the actual destruction date is past the retention schedule.
- The RRL must review and verify all records that are sought to be disposed of within the RRL's respective divisional unit to verify the record is eligible for disposition under the applicable retention schedule. Upon this verification, the RRL must forward the Disposition Form to the RMLO.
- When a disposition form is submitted, the RMLO must review it and make a final determination of eligibility for disposition.
- Upon RMLO approval and pursuant to Rule 1B-24.001(3)(m), F.A.C., records destruction should be carried out by the requestor as expeditiously as possible.
- Once destruction/disposition is completed, the Department employee who destroyed the record must return the Records Disposition Request and enter the date of destruction via the system.

Based on our review, we found the process for approving the deletion of electronic records stored in OCULUS appeared to generally function in accordance with Department procedures. Additionally, we found that confirmation of the record(s) destruction appeared to have been completed, confirming the destruction date requested or the updated date of destruction that occurred.

Records Disposition Review

According to ADM 371, *Each month the OTIS OCULUS Management Team will send a report to the [RMLO] for review to ensure a records disposition form was submitted for*

² Records retention schedule for use by state, county, city and special district public records custodians which provides retention period for the most common administrative records.

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each record that was permanently deleted from OCULUS that was not a correction, duplication, or error. We reviewed OTIS reports of deleted records against the Records Disposition Requests reports to determine whether records were deleted in accordance with an approved request. The Records Disposition Request reports provided for FY 2022-2023 reflected there were approximately 34 requests to dispose of records in OCULUS. According to OTIS reports, approximately 265,941 records were deleted from OCULUS during that same timeframe. For FY 2023-2024, there were approximately 19 requests to dispose of records from OCULUS. OTIS reports show approximately 97,272 records were deleted during this period.

While requests to dispose of records were approved by both the RRL and RMLO, our review found the Record Disposition Request report could not be matched to the OTIS reports showing records deleted. Although each request had a unique number attached to it, we found no corresponding information between the Record Disposition Request reports and the OTIS deletion reports. Specifically, there were no matching disposition request or document identification numbers that would link the records reported as disposed to requests approved for disposal. Based on discussions with OTIS and the RMLO, OCULUS does not contain a field or other mechanism that would allow verification and comparison of disposition request approvals to records deleted. Additionally, OCULUS is no longer supported by the vendor and enhancements may not be possible.

During July 2022 through June 2024, a total of 363,213 records appeared to have been deleted from OCULUS. We found many of the documents deleted contained descriptions such as duplications, corrections, or errors which do not require approval to delete. Ultimately, there was no way to verify if the records which had been removed from OCULUS were disposed of in accordance with approved requests or Department policies and procedures.

Records Retention and Disposition

According to DEP 375, all records in Department custody must be retained and stored by the agency for the full period of their established retention schedule as set forth in the Retention Schedule set by the DOS (GS1-SL). If the DOS schedule does not apply, the record shall be retained in accordance with DEP's Retention Schedule. We reviewed a sample of records retained in OCULUS to determine if they were retained and disposed of in accordance with the applicable retention schedule. Based on our review, it appears some had not met their retention period and were maintained according to the requirements of the GS1-SL or Department Retention Schedules. However, our review found additional documents which appeared to have met their scheduled retention. As an example, some of these documents included compliance inspection reports that had a scheduled retention of *5 fiscal years after completion of compliance inspection report or completion date of other compliance records*, according to the Department Schedule. The completion dates of the inspection reports ranged from 1990 to 2007 indicating the documents had possibly reached their scheduled retention. We also noted that some documents appeared to be duplicates. According to DEP 375, *New and current documents inserted into the EDMS [OCULUS] in error may be deleted or moved to the appropriate catalog location by the Division's designee without submitting a Records Disposition Form.*

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Overall, we were unable to determine whether OCULUS records had met their retention period due to several reasons; including, the need for specialized knowledge of the records, a retention schedule could not be identified, or the sampled document consisted of a package of documents that appeared to have a variation of possible retention requirements.

Based on interviews conducted, the Ombudsman and RMLO provided additional oversight for records retention and disposition, including conducting ongoing training sessions with Department staff. During these training sessions, RRLs are encouraged to complete weekly reviews of records in their custody to identify documents ready for disposition. The RMLO reported consistently seeking potential improvements to the record retention and disposal processes which included the development of identification tools for documents well past most retention schedules and were ready to be disposed. However, the RMLO expressed the need for the specialized knowledge of the documents' owners to review and determine if retained documents were eligible for disposal and their archival value.

Positions of Trust

According to ADM 371, *certain security actions and roles in OCULUS require that the user has a position description that designates it as a Position of Trust*, which includes users in groups with Replace and Purge permissions. Though ADM 371 states purge permissions, the term used for this action within OTIS user permissions spreadsheets is *remove rights*. We reviewed approximately 95 users with remove rights and 68 users³ with replace rights as of April 2024. According to our review, we found 3 users were Department employees not in Positions of Trust but were assigned rights to remove or replace records in OCULUS. During our review, one of those users which was assigned both replace and remove rights in OCULUS was updated to a Position of Trust. However, the user had purged a document from OCULUS prior to their position being updated. The remaining users appear to not have purged any documents from OCULUS during the audit scope.

We also noted some user accounts were reported as accessible by contracted employees or developers within OTIS. The contractors were no longer with the Department but had password recovery email addresses which were non-Department emails. According to DEP 422, *Prior to the start date of employment or the start date of an awarded contract involving position(s) of special trust, the manager shall ensure that the new employees, contractors, interns, vendors and providers have successfully completed the level 2 background screening and are cleared by the HR*. Additionally, the DEP 422 states *HR is the custodian of all level 2 background check records*. Of the 3 contractors identified, we were only able to confirm that 2 had completed fingerprinting and level 2 background screenings. During the audit, access for the user accounts for all 3 contractors with non-department email recovery addresses was corrected in OCULUS.

³ These numbers may indicate duplicates as some users retained both rights and some users were assigned multiple usernames.

OCULUS User Account Inactivation

According to ADM 371, *The task of removing a user's OCULUS permissions on separation is the responsibility of OTIS EDMS OCULUS Support Team. This ensures that upon separation, a user is removed from all catalogs.* We reviewed a total of 209 employee separations between two months within the audit scope. Of those employees, we found 1 employee with replace and remove rights remained an active user within OCULUS up to 37 days after their reported separation. We also identified 1 employee who separated during the audit and retained replace and remove rights for 26 days until their account was inactivated. OTIS staff ensured the accounts were deactivated prior to the completion of the audit.

CONCLUSION

During the audit, we reviewed Department directives, policies, and procedures for the oversight of retention and disposition of records stored in OCULUS. Based on our review, we found the process for approving the deletion of electronic records stored in OCULUS appeared to generally function in accordance with Department procedures. However, we were unable to verify whether all records that were deleted from OCULUS were deleted based on an approval request or other appropriate deletion category, such as duplicates. Our findings and recommendations are listed below.

FINDINGS AND RECOMMENDATIONS

Finding 1: OCULUS Records Disposition – Records deleted from OCULUS cannot be reconciled to approved disposition requests.

According to ADM 371, *Each month the OTIS OCULUS Management Team will send a report to the [RMLO] for review to ensure a records disposition form was submitted for each record that was permanently deleted from OCULUS that was not a correction, duplication, or error.* We reviewed OTIS reports of deleted records against the Records Disposition Requests reports to confirm if the records were deleted in accordance with the requests. Between July 2022 through June 2024, there were approximately 53 requests to delete records in OCULUS with a total of 363,213 records appeared to have been deleted from OCULUS during the same period.

While requests to dispose of records were approved by both the RRL and RMLO, our review found the Record Disposition Request report could not be matched to the OTIS reports showing records deleted. Although each request had a unique number attached to it, we found no corresponding information between the Record Disposition Request reports and the OTIS deletion reports. Specifically, there were no matching disposition request or document identification numbers that would link the records reported as disposed to requests approved for disposal. Based on discussions with OTIS and the RMLO, OCULUS does not contain a field or other mechanism that would allow verification and comparison of disposition request approvals to records deleted. Additionally, OCULUS is no longer supported by the vendor and enhancements may not be possible.

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Additionally, we found many of the documents deleted contained descriptions such as duplications, corrections, or errors which do not require approval to delete. However, there was no way to verify if the records which had been removed from OCULUS were disposed of in accordance with Department policies and procedures.

Recommendation:

We recommend the Department review OCULUS capabilities and determine whether there is a method for implementing uniform reporting regarding the reason documents are removed from OCULUS, including approval request identification, deletions for duplicates, and errors.

Management Response:

The Department agrees with the recommendation and is currently working with OTIS on the corrective actions mentioned.

Finding 2: Positions of Trust – Some employees and contractors had Replace and Purge rights but were either not a Position of Trust, may not have had appropriate background screening, or were not deactivated timely.

According to ADM 371, *certain security actions and roles in OCULUS require that the user has a position description that designates it as a Position of Trust*, which includes users in groups with Replace and Purge permissions. Though ADM 371 states purge permissions, the term used for this action within OTIS user permissions spreadsheets is *remove rights*. We reviewed approximately 95 users with remove rights and 68 users⁴ with replace rights as of April 2024. According to our review, we found 3 users were Department employees not in Positions of Trust but were assigned rights to remove or replace records in OCULUS. During our review, one of those users which was assigned both replace and remove rights in OCULUS was updated to a Position of Trust. However, the user had purged a document from OCULUS prior to their position being updated. The remaining users appear to not have purged any documents from OCULUS during the audit scope.

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Recommendations:

We recommend the Department review users assigned Replace and Purge permissions in OCULUS and ensure all users with these rights are in Positions of Trust and have had appropriate background screenings. We also recommend the Department confirm account inactivation is completed in accordance with Department policies and procedures.

Management Response:

The Department agrees with the recommendation and will work to complete the corrective actions mentioned.

MANAGEMENT COMMENT

Leadership Oversight of Department Records

According to DEP 375, *all records in Department custody must be retained and stored by the agency for the full period of their established retention schedule as set forth in the Retention Schedule set by the DOS (GS1-SL). If the DOS schedule does not apply, the record shall be retained in accordance with DEP's Retention Schedule.* We reviewed a sample of records retained in OCULUS to determine if they were retained and disposed of in accordance with the applicable retention schedule. Our review found some documents which appeared to have met their scheduled retention. As an example, some of these documents included compliance inspection reports that had a scheduled retention of *5 fiscal years after completion of compliance inspection report or completion date of other compliance records*, according to the Department Schedule. The completion dates of the inspection reports ranged from 1990 to 2007 indicating the documents had possibly reached their scheduled retention. We also noted that some documents appeared to be duplicates. Overall, we were unable to determine whether OCULUS records had met their retention period due to several reasons; including, the need for specialized knowledge of the records, a retention schedule could not be identified, or the sampled document consisted of a package of documents that appeared to have a variation of possible retention requirements.

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to review and determine if retained documents were eligible for disposal and their archival value.

Retaining records beyond their retention period may increase the risk of unauthorized access and may take up unnecessary storage space. The Department may benefit from additional implementation of requirements for leadership involvement in enforcing the regular review and disposition of OCULUS records.

The purpose of this management comment is to bring these circumstances to your attention, so they can be addressed on a Department-wide level. We recommend Department leadership direct the coordination between the Office of the Ombudsman, OTIS, and program offices to align Department OCULUS record retention and disposition processes with appropriate statutory, rule, and Department policies and procedures.

STATEMENT OF ACCORDANCE

Statement of Accordance

The Mission of the OIG is to promote accountability, integrity, and efficiency by providing quality audits, investigations, management reviews, and technical assistance.

This work product was prepared pursuant to § 20.055, Florida Statutes, in accordance with the *Principles and Standards for Offices of Inspectors General* as published by the Association of Inspectors General and the *International Standards for the Professional Practice of Internal Auditing*, as published by the Institute of Internal Auditors, Inc. The audit was conducted by Tessa Jordan and supervised by Susan Cureton.

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