

Further review of the Department of Transport's management of unlawful access to TRELIS

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Corruption and Crime Commission

Postal Address	PO Box 330 Northbridge Post Shop WA 6865	Email	info@ccc.wa.gov.au
		Website	www.ccc.wa.gov.au
Telephone	(08) 9215 4888 1800 809 000 (Toll Free for callers outside the Perth metropolitan area.)	Twitter	@CCCVestAus
		Office Hours	Monday to Friday 8.30 am to 5.00 pm

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OVERVIEW

- [1] The Transport Executive and Licensing Information System (TRELIS) is a database managed by the Department of Transport (DoT). It is used to facilitate the delivery of driver and vehicle licencing and registration services across Western Australia (WA).
- [2] TRELIS is a restricted access computer system. Users obtain access by entering a personal password. Unauthorised access to the information in TRELIS is a criminal offence.¹
- [3] Users of TRELIS include DoT employees, DoT agents who are contracted to provide transport services to the public,² and other external government agencies, which access TRELIS to carry out authorised functions.³
- [4] During 2019 and 2020, DoT notified the Commission of over 100 incidents of unauthorised access to TRELIS.
- [5] Due to concerns about the action taken by DoT and its management of risks associated with unlawful access to information held in TRELIS, the Commission conducted a thematic review.⁴
- [6] In 2021, the Commission's thematic review was tabled in parliament.⁵
- [7] The review highlighted concerns with DoT's management of unauthorised TRELIS access, its investigative processes, and its wider ability to manage the associated serious misconduct risks.
- [8] The Commission made four recommendations to DoT, aimed at improving DoT's capability to manage serious misconduct risks associated with TRELIS access.
- [9] This report describes the actions taken by DoT in addressing these recommendations.
- [10] Significant improvements have been made by DoT to TRELIS system alerts, training, policy, and processes for all TRELIS users. While risk of serious misconduct can never be completely removed, DoT has responded positively in mitigating future risk.
- [11] The Commission considers the recommendations have been adequately addressed.

¹ *Criminal Code* s 440A.

² *Road Traffic (Administration) Act 2008* (RTA Act) s 11.

³ RTA Act s 14.

⁴ *Corruption, Crime and Misconduct Act 2003* (CCM Act) s 41.

⁵ A review of the Department of Transport's management of unlawful access to TRELIS, 5 August 2021.

THE COMMISSION'S THEMATIC REVIEW

- [12] The Commission's thematic review examined DoT's policies, procedures, and management of associated serious misconduct risks relating to TRELIS. From over 100 notifications to the Commission, 16 matters were selected for a detailed review of DoT's actions in addressing the alleged misconduct.
- [13] The matters all related to incidents of unauthorised access by either an internal DoT employee or external TRELIS user. This included users viewing their own licence or vehicle details, renewing a family member's vehicle registration, or obtaining information to share with others.
- [14] The review identified significant concerns with DoT's overall management of unauthorised accesses to TRELIS. In addition to not recognising that unauthorised access is unlawful, DoT's investigations were inadequate. DoT's systems for monitoring TRELIS activity and its management of external users highlighted further issues.
- [15] The Commission recommended that DoT:
1. Implement TRELIS policy and procedures that:
 - a. appropriately acknowledge the criminality of unauthorised access to TRELIS;
 - b. clearly define the processes for recording conflicts of interest (including by external users); and
 - c. stop the use of records (of the user or of persons known to the user) in training or testing.
 2. Implement consistent triage and investigation processes for any suspected unlawful access of TRELIS for all user groups, including federal government agencies. Where appropriate, this should include consideration of the suspension or cancellation of access to TRELIS.
 3. Review current TRELIS activity alerts to ensure they are contemporary, focused, and effective.
 4. Review current authorisations for TRELIS access and ensure memorandums of understanding (MOU) are in place for all external users. The MOUs should define who the employing authority is and therefore, responsible for taking any disciplinary action and facilitating appropriate sanctions against users and the relevant agency.

The Commission's review of the recommendations

- [16] In August 2022, the Commission commenced its 12-month review of DoT's response to the recommendations.
- [17] DoT provided a comprehensive written submission outlining the initiatives being undertaken to address the Commission's recommendations.
- [18] During the review, DoT assisted the Commission in providing additional information and facilitating meetings with relevant areas of the agency.
- [19] The work undertaken by DoT to improve its management of TRELIS and unauthorised access to confidential information has been summarised in this report.

RECOMMENDATION ONE

Implement TRELIS policy and procedures that:

- a. acknowledge the criminality of unauthorised access;*
- b. define the processes for recording conflicts of interest;*
- c. stop the use of own or known user records in training or testing.*

Background

- [20] The Commission's review highlighted that DoT considered and treated unauthorised access as a conflict of interest. This does not reflect the reality.
- [21] DoT provide users with access to TRELIS for performing official duties. Any access to TRELIS records for mere curiosity, even without obtaining any benefit, is an unlawful use. Any unlawful use is a criminal offence⁶ and therefore, falls within the definition of serious misconduct.⁷
- [22] The review acknowledged there were legitimate occasions requiring a user to conduct a transaction for someone they know, but mechanisms were not in place for users to record this. This led to unnecessary investigations.
- [23] The review also highlighted concern with users accessing their own TRELIS records for the purposes of training and when testing the system.

DoT response

- [24] DoT has updated relevant policies, procedures, manuals, and forms to:
1. Refer to unauthorised system access as a criminal offence; and
 2. Detail the process of recording conflicts of interest. This includes gaining approval prior to accessing the record and documenting a file note.
- [25] DoT has provided training to staff and external TRELIS users, explaining what constitutes an unauthorised access, how to manage conflicts of interest and the consequences of an unauthorised access. This includes the requirement to report alleged unauthorised accesses to the Commission and WA Police.
- [26] DoT has implemented a training system to ensure TRELIS is not used during training. A list of authorised users required to test TRELIS after a software update or system issue is regularly reviewed and maintained.

⁶ Criminal Code s 440A.

⁷ CCM Act s 4.

Commission review

- [27] DoT has adjusted its position on unauthorised access to mirror legislation and this is reflected in policy and training. Improvements to managing conflicts of interest and TRELIS training will support DoT's investigation of unauthorised access.
- [28] The Commission considers this recommendation closed.

RECOMMENDATION TWO

Implement consistent triage and investigation processes for any suspected unlawful access of TRELIS for all user groups, including federal government agencies. Where appropriate, this should include consideration of the suspension or cancellation of TRELIS.

Background

- [30] The Commission's thematic review highlighted inadequacies with DoT investigations, for both internal and external users. DoT's investigative processes failed to take all evidence into account, and investigations were often subject to long and unexplained delays.
- [31] During investigation, user access was not suspended, and matters were not reported to WA Police.

DoT response

- [32] DoT has refined its triage process and now conducts a preliminary analysis of any unauthorised access. If there is no clear explanation for the access, the user's TRELIS account is suspended and the matter is allocated for investigation.
- [33] All matters allocated for investigation are reported to the Commission and WA Police.
- [34] When an investigation results in a sustained allegation, the decision to reinstate TRELIS access is made by a committee. Reinstated users are required to undergo further training.

Commission review

- [35] The Commission recognises the significant improvements made to DoT's triage and investigation processes, including suspending access to TRELIS.
- [36] These changes should ensure all unauthorised accesses are promptly investigated in a consistent manner. The improved processes around reinstatement of access further mitigates the risk for DoT.
- [37] The Commission considers this recommendation closed.

RECOMMENDATION THREE

Review current TRELIS activity alerts to ensure they are contemporary, focused, and effective.

Background

- [38] DoT monitors suspicious access to TRELIS through automatic activity alerts. An alert is generated when a user performs an action matching a trigger, such as searching their own name or the name of someone they share an address with.
- [39] During the Commission's review, concerns were noted in the high number and low value nature of the alerts. DoT had over 100 triggers, with each one prompting an investigation.

DoT response

- [40] DoT reviewed the activity alerts and categorised them into three types: compliance, intelligence, and integrity. Compliance and intelligence alerts are vital for DoT as a regulatory agency, but only integrity alerts relate to potential unlawful TRELIS access.
- [41] Where previously all activity alerts prompted an investigation, the categorisation of alerts has streamlined the process. Now only the integrity alerts are sent for investigation.
- [42] The review of the alerts reduced the number of integrity alerts down to 17. These alerts are regularly reviewed to ensure they are effective in capturing relevant behaviours.

Commission review

- [43] DoT has implemented changes to reduce the volume of low value alerts and streamlined its process for investigating alerts.
- [44] In doing this, DoT has greater ability to focus its resources on taking prompt and appropriate action into the most serious incidents of alleged unauthorised access.
- [45] The Commission considers this recommendation closed.

RECOMMENDATION FOUR

Review current authorisations for TRELIS access and ensure memorandums of understanding (MOUs) are in place for all external users. The MOUs should define who the employing authority is and therefore, responsible for taking any disciplinary action and facilitating appropriate sanctions against users and the relevant agency.

Background

- [46] Several external users are authorised to access TRELIS. This includes other government agencies who access TRELIS to carry out authorised functions, and DoT Agents who are contracted to provide DoT services to the public.
- [47] The Commission's review identified a lack of agreements for these users, or agreements that did not explain the process for managing unauthorised access.
- [48] Additionally, when investigating unauthorised accesses by DoT Agents, DoT appeared to be taking disciplinary action against the user, with no authority to do so.

DoT response

- [49] DoT has updated government agency MOUs and DoT Agent Agreements. Both now include the management process for unauthorised accesses.
- [50] The agreements now articulate the agency responsible for taking disciplinary action against users who engage in unauthorised access. DoT will continue to investigate unauthorised accesses by DoT Agents, but any disciplinary action is the responsibility of the Agent.

Commission review

- [51] The changes made by DoT to MOUs and agent agreements should ensure all unauthorised accesses by external users are treated in a consistent manner.
- [52] Further, these amended agreements clarify that DoT are not authorised to take disciplinary action against external users.
- [53] The Commission considers this recommendation closed.

CONCLUSION

- [55] DoT has implemented a number of initiatives to holistically improve the agency culture and awareness of the need to protect sensitive information held in TRELIS.
- [56] Notably this includes more consistent conflict of interest processes, improved triage and investigation processes, and increased awareness of the requirement to report all unauthorised accesses to the Commission and WA Police.
- [57] In support of the initiatives implemented, DoT has also actively communicated these changes to all users, signifying attempts to influence cultural and practice changes.
- [58] While the risk of users unlawfully accessing TRELIS can never be eliminated, the action taken by DoT demonstrates a continued commitment to actively manage the risks associated with the unauthorised access of TRELIS.
- [59] The changes made by DoT in response to the Commission's thematic review recommendations, demonstrate an increased capacity to prevent serious misconduct.⁸
- [60] **The Commission considers DoT has taken appropriate steps to address the recommendations. The Commission considers all recommendations closed.**

⁸ CCM Act, s 18(4).