

NEW YORK STATE
UNIFIED COURT SYSTEM



Hon. Joseph A. Zayas, J.S.C.
Chief Administrative Judge

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June 23, 2023

Christine Sisario
Director of Technology
125 Jordan Road
Troy, New York 12180

Chris Gibson, Acting Director
OCA Division of E-Filing
25 Beaver Street
New York, New York 10004

Dear Ms. Sisario and Mr. Gibson:

The Unified Court System's (UCS) Internal Audit Services office has audited general and application controls in place for the NYS Courts Electronic Filing System. The audit was made as part of the 2022-23 internal audit plan.

Enclosed is a copy of the audit report and recommendations. The response to the preliminary report of audit findings states your Office concurs with the audit findings and included a plan to implement the recommendations. Internal Audit Services agrees these steps should address the findings identified in the report. Please submit a final corrective plan to the Chief of Administration, with copies to me and the Chief Internal Auditor. Ideally, the final corrective plan should be issued within 60 days of distribution of the final audit report.

Within six months of issuance of the final corrective plan, Internal Audit staff will schedule a follow-up audit to review implementation progress and will issue a supplementary report to me.

Very truly yours,

A handwritten signature in blue ink, appearing to be "JZ", with a long horizontal stroke extending to the right.

/smw

c: Hon. Norman St. George
Nancy Barry, Esq.
Justin Barry, Esq.
Sherrill Spatz, Esq.
Daniel Johnson, CPA

NEW YORK STATE
UNIFIED COURT SYSTEM
INTERNAL AUDIT SERVICES



Division of Technology and Court Research
Division of E-Filing

NYS Courts Electronic Filing System

Report IA-22-09

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Executive Summary

Audit Objective

The objective of our audit was to evaluate the effectiveness of the general and application controls designed to provide for the accuracy of data and to protect the confidentiality, integrity, authenticity, and availability of the NYS Courts Electronic Filing System (NYSCEF).

Summary of Audit Results

The NYSCEF application has adequate application controls over the input and processing of filings of legal papers and associated fee payments. However, [REDACTED]

[REDACTED] the Daily Transaction Report for NYC Civil Courts did not accurately represent activity requested during a given period.

[REDACTED] The UCS CourtNet Security Policy related to lockout policy was not enforced to restrict access to NYSCEF for user accounts with no login activity or more than 90 days of inactivity.

Introduction

Audit Scope

The Unified Court System's (UCS) Internal Audit Services office has audited general and application controls in place for the NYS Courts Electronic Filing System (NYSCEF). The audit was made as part of the 2022-23 internal audit plan approved by the Chief Administrative Judge.

Background

NYSCEF is a program that permits the filing of, and payment for, legal papers by electronic means with the County Clerk or appropriate court and offers electronic service of papers in those cases. In response to the COVID-19 pandemic, the NYC Civil Courts started accepting filings and associated filing fees via online credit card payments through the NYSCEF application, which were automatically deposited directly into the Courts' bank accounts.

Audit Results

Daily Transaction Report Was Not Accurate

The Daily Transaction Report (Report) used for the NYC Civil Courts did not accurately represent transaction activity requested during a given time period. Also, the Report could not be generated to display transactions for one day of activity.

As part of our audit of the NYC Civil Court in Bronx County, the Division of Technology and Court Research (DoTCR) provided initial NYSCEF data and the Structured Query Language (SQL), used to produce the Report on November 17, 2022. The NYSCEF data included duplicate and extraneous transactions and therefore, erroneously inflated NYSCEF revenue collected by the Court. When compared to the estimated deposits for NYSCEF collections in Bronx Civil Court, total collections in the initial NYSCEF Report were three times higher. For example, for the period January 1, 2021 through November 17, 2022, the NYSCEF data used to produce these reports showed Bronx Civil Court collections totaled \$14.4 million while NYSCEF deposits totaled only \$4.1 million.

Output controls ensure computer applications process transactions accurately and produce the expected results. [REDACTED]

[REDACTED]

Due to discrepancies identified as part of our audit of the Bronx Civil Court, DoTCR provided several different versions of the SQL scripts used to produce the Report. The scripts used incorrect criteria (e.g., data fields, types of joins and filters). For example, an earlier version of the SQL script used the *Create Date* field in the criteria, while the current version of the SQL script uses the *Processed Date* field. Also, earlier versions of the SQL script incorrectly included credit card service fees in collection totals. The NYC Civil Courts do not retain or deposit the credit card service fees. The credit card processing company receives those fees. The current version of the SQL script correctly excludes credit card service fees from daily collections.

In addition, DoTCR programmed the Report to require two consecutive dates as the parameter for just one day of transactions. This was unknown to personnel at the NYC Civil Courts, so the Courts were unable to run the Report on a daily basis. For example, in order to run NYSCEF transactions for April 1, 2023, the Court would need to enter a start date of April 1, 2023 and an end date of April 2, 2023. However, for the NYSCEF daily reports for other court types (e.g., Supreme Civil Court, Surrogate Court), the input for both the start and end date would be April 1, 2023.

As a result, the NYC Civil Courts were unable to reconcile daily collections to deposits in order to transmit accurate amounts to the State. [REDACTED]

[REDACTED] Also, the E-Filing Division and DoTCR stated they did not work with the NYC Civil Courts to verify the Report was accurate and complete. Further, a DoTCR Technical Manager stated they used other court types' NYSCEF reports as a template and did not receive feedback from the NYC Civil Courts that the Report was inaccurate or that the Courts could not run the report for one day of transactions.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

In response to the preliminary report of audit findings, the Director of Technology and the Acting Director of E-Filing stated, "In the future during acceptance testing of report changes, DoTCR will contact DFM so that they can supply us with Elavon reports for days that we check against our QA database. This will ensure the accuracy of our reports." They also stated "the problems with the report have been corrected and tested thoroughly in the civil courts. After contacting the civil courts, we have been assured that the report is being used correctly by both the courts and DFM." In addition, they stated, "Changes will be made to the report to allow for selecting a date or a range of dates, to clear up the confusion that the court had about input of search dates. This change shall be added to the current NYSCEF priority work list."

Inactive User Accounts Were Not Adequately Restricted

Controls to restrict access for inactive NYSCEF court user accounts were not implemented. From a population of 6,695 enabled non-service¹ NYSCEF user accounts (e.g., County Clerk, Supreme Clerk, and Judicial user groups) authenticated through the UCS Common Security application, 534 accounts have never logged in, and 2,641 accounts have not accessed their accounts in over 90 days.

The UCS CourtNet Security Policy states, "All user ids must automatically have the associated privileges revoked after a ninety (90) day period of inactivity." [REDACTED]

¹ Service accounts were defined as having a generic email linked to the account (EDDS or nyscef@nycourts.gov), having a generic name in the name fields (including but not limited to "court", "WsUser"), or a numerical value in the name field.

Further, not all UCS Common Security accounts for CourtNet users were linked to a Microsoft Active Directory account. Of the 534 accounts which have never logged in, 241 were CourtNet user accounts not linked to Active Directory. Also, of the 2,641 accounts inactive for more than 90 days, 1,487 were CourtNet user accounts not linked to Active Directory.

Inactive Category	CourtNet Users Linked to AD	CourtNet Users Not Linked to AD	Other Users	Total
Accounts Not Logged In	265	241	28	534
Accounts Inactive for > 90 days	909	1,487	245	2,641

A UCS Common Security account linked to an Active Directory account² is automatically prevented from authenticating with NYSCEF when the user's CourtNet account in Active Directory is disabled for any reason. [REDACTED]

DoTCR personnel stated the process to disable user accounts after 90 days of inactivity was not implemented for all applications with access managed by the UCS Common Security application. Specifically, applications hosted with external access, such as NYSCEF and Attorney Services/Registration, were not part of this process due to the large number of external users. In addition, DoTCR stated the number of CourtNet user accounts not linked to Active Directory were due to legacy accounts when authentication was moved from NYSCEF to UCS Common Security. However, all newly established CourtNet user accounts added through Common Security are now linked to Active Directory.

Lastly, DoTCR had no policy in place to disable inactive NYSCEF filing user accounts (e.g., Attorney Services/Registration accounts and other external users).³ DoTCR personnel stated the policy to disable inactive filing user accounts after 90 days is not practicable in this type of application.

[REDACTED]

² Active Directory authenticates and authorizes all users and computers on CourtNet, as well as assigns and enforces security policies.

³ Attorney filing user accounts have access to all case files and records filed in NYSCEF which they were a party to, including sealed cases and records containing confidential information.

In response to the preliminary report of audit findings, the Director of Technology and Acting Director of NYSCEF stated, "DoTCR is currently reviewing these users and will be disabling all court users that have been inactive for more than 90 days. Furthermore, DoTCR will modify the scheduled task that currently runs against the case management applications so that it also includes NYSCEF court users." They also stated, "DoTCR will develop and implement a plan to link all remaining court NYSCEF users to their AD accounts. This will require coordination between the Security Administration Unit and NYSCEF." In addition, they stated, "DoTCR is reviewing this issue to determine what would be the ideal period of inactivity that should be used to disable non-court NYSCEF accounts. Consideration will be given so as not to impose an excessive burden on support staff resetting accounts that were disabled while balancing the longer-term accessibility to the system by end users."

Summary of Recommendations

1. [REDACTED]
[REDACTED]
2. [REDACTED]
[REDACTED]
3. [REDACTED]
[REDACTED]
4. [REDACTED]
[REDACTED]
5. [REDACTED]
[REDACTED]
6. [REDACTED]
[REDACTED]

Discussion of Audit Results

Matters presented in this report were discussed with officials from DoTCR and the NYSCEF Resource Center. A preliminary report of audit findings was issued to the Director of Technology and to the Acting Director of E-Filing, who submitted a response to the preliminary report. Their comments were considered and included in this report, where appropriate.

Audit Standards and Methodology

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