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## Main points

The Ministry of Justice and Attorney General (Justice) needs to work with the Ministry of Corrections, Public Safety and Policing to ensure the fines levied for the voluntary payment option on issued tickets comply with the law.

Justice needs better information technology (IT) processes. It must secure credit card information in accordance with the credit card industry security standards and sign an adequate agreement on disaster recovery and security with the Information Technology Office. Also, Justice should monitor the security and availability of its IT systems and data and complete its business continuity plan.

The Saskatchewan Legal Aid Commission (Commission) made progress in addressing recommendations we made in 2008 for protecting its systems and data. The Commission has fully addressed three of our six recommendations. The Commission needs to do more to fully address the other three recommendations.

## Introduction

The Ministry of Justice and Attorney General (Justice) is responsible for providing legal services and justice policy advice to government in order to protect the legal rights of citizens and to promote social and economic order for Saskatchewan. The Ministry is also responsible for providing support for the courts, prosecutions, victims, civil law services and regulating the marketplace. The Ministry also provides services to resolve social and family conflict.<sup>1</sup>

For the year ended March 31, 2009, Justice spent \$135.6 million on its programs and earned revenues of \$51.3 million. Information about Justice’s revenues and expenditures appears in Justice’s 2008-2009 annual report (see <http://www.justice.gov.sk.ca/AR-Justice-08-09.pdf>) (23 Oct 2009).

The following is a list of Justice’s major programs and spending:

	<u>Original Estimates<sup>2</sup></u>	<u>Actual</u>
	(in millions of dollars)	
Courts and civil justice	\$ 43.6	\$ 47.9
Legal and policy services	25.4	26.1
Boards and commissions	23.8	24.8
Central management and services	20.0	20.8
Community justice	9.9	9.7
Marketplace regulation	<u>5.5</u>	<u>5.5</u>
	<u>\$ 128.2</u>	<u>\$ 134.8</u>

<sup>1</sup> Ministry of Justice and Attorney General, *08-09 Annual Report*, pg. 7.

<sup>2</sup> *Saskatchewan Provincial Budget 08-09 Estimates*. The Estimates’ total does not include the additional \$3.5 million authorized through the *Saskatchewan Provincial Budget 08-09 Supplementary Estimates November* or additional \$5.4 million authorized through the *Saskatchewan Provincial Budget 08-09 Supplementary Estimates March* for Justice (Vote 3).

Justice is responsible for the following trust and special purpose funds, boards, and commissions (agencies).

	<u>Year-end</u>
Law Reform Commission of Saskatchewan	March 31
Office of Residential Tenancies – Director’s Trust Account	March 31
Provincial Mediation Board Trust Accounts	March 31
Public Guardian and Trustee of Saskatchewan	March 31
Queen’s Printer Revolving Fund	March 31
Saskatchewan Legal Aid Commission	March 31
Staff Pension Plan for Employees of the Saskatchewan Legal Aid Commission	December 31
Trust Accounts at Court Houses, Local Registrars, and Sheriff’s Offices	March 31
Victims’ Fund	March 31

## **Audit conclusions and findings**

**In our opinion, for the year ended March 31, 2009:**

- ◆ **Justice and its agencies had adequate rules and procedures to safeguard public resources except for the matters described below**
- ◆ **Justice and its agencies complied with authorities governing their activities relating to financial reporting, safeguarding public resources, revenue raising, spending, borrowing, and investing except for the matters described below**
- ◆ **the financial statements for the agencies are reliable**

In this chapter, we also report the results of our follow-up work to assess the progress of the Saskatchewan Legal Aid Commission towards addressing our past recommendation to secure its information technology environment and provide an update on recommendations of the Standing Committee on Public Accounts (PAC) that are not yet implemented.

## **Fines not in accordance with legislation**

In our 2008 Report – Volume 3, we recommended that Justice work with the Ministry of Corrections, Public Safety and Policing to ensure the voluntary payment option on issued tickets is consistent with *The Summary Offences Procedure Regulations, 1991*.

In December 2008, PAC considered this matter and agreed with our recommendation.

*The Summary Offences Procedure Act, 1990* allows peace officers to issue tickets with voluntary payment options (i.e., offenders can plead guilty and pay a fine without attending court). *The Summary Offences Procedure Regulations, 1991* (Regulations) sets out the amount of the fine if the offender chooses the voluntary payment option. The Ministry of Corrections, Public Safety and Policing is responsible for policing programs. Offenders pay the voluntary fines to Justice.

We tested a sample of tickets where offenders chose the voluntary payment option. We found the fines for 13% of the tickets we tested did not agree with the Regulations.

We continue to recommend that Justice work with the Ministry of Corrections, Public Safety and Policing to ensure the voluntary payment option on issued tickets is consistent with *The Summary Offences Procedure Regulations, 1991*.

## **Compliance with credit card security standards**

In our 2008 Report – Volume 3, we recommended that Justice secure credit card information in accordance with the credit card industry's security standards.

In December 2008, PAC considered this matter and agreed with our recommendation.

Justice is working with a contractor and has made progress in identifying security gaps and establishing controls to address these gaps. However, all credit card information has not yet been properly secured at the Ministry.

Justice accepts credit card payments for some of its services (e.g., fines, annual returns, purchase of legislation). Its credit card service provider requires it to follow specific credit card industry security standards. Justice does not have processes to comply with these security standards. Lack of compliance with the industry's security standards increases the risk of unauthorized access to private information without ready detection. This could lead to a significant loss of public money, reputation, and the ability to process payments.

We continue to recommend that Justice secure credit card information in accordance with the credit card industry's security standards.

### **Better information technology processes needed**

In our 2008 Report – Volume 3, we recommended that Justice sign an adequate agreement on disaster recovery and security with the Information Technology Office (ITO).

In December 2008, PAC considered this matter and agreed with our recommendation.

Justice's agreement with ITO does not adequately address security requirements. For example, the agreement does not set out what security policies and procedures Justice's employees need to follow. Nor does it identify disaster recovery times for significant applications.

We continue to recommend Justice sign an adequate agreement on disaster recovery and security with the Information Technology Office.

Also, in our 2008 Report – Volume 3, we recommended that Justice adequately monitor the security and availability of its information technology systems and data.

In December 2008, PAC considered this matter and agreed with our recommendation.

Justice began to receive monthly reports from ITO starting May 2009. The reports include information on ITO activities such as service levels and costs but little information on the security or availability of its systems. Also, Justice does not receive any information about the adequacy of ITO

controls or how the weaknesses at ITO could impact Justice systems and data. Nor does it know if ITO could meet Justice's disaster recovery needs.

Justice has processes for removing user access for individuals who no longer work for the Ministry. However, the Ministry did not follow its processes for removing users on a timely basis. If access for former employees is not removed promptly, it increases the risk of inappropriate access and unauthorized changes to the Ministry's systems and data.

We continue to recommend that Justice adequately monitor the security and availability of its information technology systems and data.

## **Business continuity plan needed**

In our 2005 Report – Volume 3, we recommended Justice complete and implement its business continuity plan (BCP)<sup>3</sup>. In February 2006, PAC considered this matter and agreed with our recommendation.

Justice has identified and developed plans for recovery of its critical services. Justice has approved its BCP but the approved BCP has not yet been updated to ensure continuity of services that ITO provides. As stated earlier, Justice does not know if ITO's disaster recovery processes meet the Ministry's needs.

Justice completed some BCP testing during the year. However, key elements of the plan still need to be tested.

We continue to recommend that the Ministry of Justice and Attorney General complete and implement its business continuity plan.

## **Saskatchewan Legal Aid Commission**

The Saskatchewan Legal Aid Commission (Commission) was established on September 1, 1983 pursuant to *The Legal Aid Act*. The Commission provides legal advice and representation to individuals (clients) who meet

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<sup>3</sup> **Business Continuity Plan** (BCP)-Plan by an organization to respond to unforeseen incidents, accidents, and disasters that could affect the normal operations of the organization's critical operations or functions including normal operations of computerized systems.

the criteria defined in *The Legal Aid Regulations, 1995*. The Commission receives over 21,000 applications requesting legal services each year. Generally, any individual who receives social assistance is eligible to receive legal services.

The Commission's computer system stores privileged client information in each of its 14 area offices<sup>4</sup>. It uses a contractor to manage its computer network and deliver information technology (IT) services. For example, the contractor installs new equipment and updates computers against known security threats. While the contractor manages most IT controls, area offices carry out directly some IT controls (e.g., each area office has a staff member responsible for making secured copies (backups) of privileged client data).

To protect the Commission's system and support its effective use, the Commission must have adequate controls. Unauthorized disclosure, loss, or inappropriate modification of information could harm legal aid clients. In 2008, we assessed the adequacy of the Commission's processes to secure its computer network and data. This chapter describes management's actions on the recommendations we made in 2008.

## **Security audit—a follow-up**

In our 2008 Report – Volume 1, Chapter 8 (pp. 95-105), we concluded that the Saskatchewan Legal Aid Commission had adequate processes to secure its information technology environment for the period November 1, 2007 to January 31, 2008 except for the matters described in the six recommendations set out below. On June 17, 2008, PAC agreed with these recommendations.

The following sections set out the recommendations (*in italics*) and the Commission's actions up to August 31, 2009. As described below, the Commission has met three of the six recommendations and has plans to address the remaining three recommendations.

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<sup>4</sup> The Commission has a central office and 14 area offices. Its central office includes the Commission's senior management team and manages human resources and financial administration. Its area offices provide legal services to clients.



## Show management commitment to security

*In 2008, we recommended that the Saskatchewan Legal Aid Commission update its information technology security policies and procedures based on a risk assessment.*

The Commission performed a threat and risk assessment on its information technology assets. It used the assessment to update its information technology security policies and procedures. The revised policies and procedures adequately document the rules and processes that staff need to follow.

On June 16, 2009, the Commission communicated the updated policies and procedures to all employees. The Commission requires all employees, including new hires, to sign-off that they understand and will follow the policies and procedures.

The Commission has met our recommendation.

## Protect systems and data from unauthorized access

*In 2008, we recommended that the Saskatchewan Legal Aid Commission physically secure network computers (servers) located in its area offices.*

The Commission physically secured some servers used to store legal information in locked rooms. Where locked rooms were not available, the Commission purchased locking cables to secure servers to fixed locations.

The Commission has met our recommendation.

*In 2008, we recommended that the Saskatchewan Legal Aid Commission follow its password standards and monitor user access for its systems.*

The Commission has adequate policies and procedures for granting and removing user access, and for setting password length, complexity, and change frequency. However, at August 2009, the Commission had not followed its password policy for administrator accounts at area offices (i.e., the administrator accounts were set not to expire and passwords were not changed.)

The Commission told us it plans to continue improving its processes to meet our recommendation.

We continue to recommend that the Saskatchewan Legal Aid Commission follow its password standards and monitor user access for its systems.

*In 2008, we recommended that the Saskatchewan Legal Aid Commission adequately configure, update, and monitor its computers and network equipment.*

The Commission has improved the security of its laptop computers by encrypting all data but has not yet improved the configuration and monitoring of firewalls (i.e., monitoring of firewall logs to detect potential security attacks or breaches.)

The Commission implemented processes for updating systems against known security risks and updates key systems on a timely basis.

The Commission told us it plans to continue improving its processes to meet our recommendation.

We continue to recommend that the Saskatchewan Legal Aid Commission adequately configure, update, and monitor its computers and network equipment.

## **Keep systems and data available for operation**

*In 2008, we recommended that the Saskatchewan Legal Aid Commission adequately store, secure, and test its backups of information stored on its computers.*

The Commission has implemented backup policies and procedures that require secure storage of backups while the information is onsite. It also requires regular transfer of backups to a secure off-site location. Central and area office staff follow these policies and procedures. Testing of the backups occurs on an annual basis.

The Commission has met our recommendation.

*In 2008, we recommended that the Saskatchewan Legal Aid Commission develop and test a disaster recovery plan for its information systems and data.*

At August 2009, the Commission did not have an up-to-date disaster recovery plan. Without an approved and tested plan, the Commission does not know if it could restore all systems and data in the event of a disaster. This could result in systems, data, and services being unavailable when needed.

The Commission told us it plans to continue improving its processes to meet our recommendation.

We continue to recommend that the Saskatchewan Legal Aid Commission develop and test a disaster recovery plan for its information systems and data.

## Status of other outstanding recommendations of the Standing Committee on Public Accounts

The following table provides an update on recommendations previously made by PAC that are not yet implemented and are not discussed earlier in this chapter.<sup>5</sup>

PAC REPORT YEAR <sup>6</sup>	OUTSTANDING RECOMMENDATION	STATUS
<b>Ministry of Justice and Attorney General (Financial Security)</b>		
2009	PAC concurs: 15-3 that the members of the Saskatchewan Financial Services Commission establish a formal system to focus investigative resources on timely attention to the most significant complaints.	<b>Not implemented</b> (as at March 31, 2007). We have a follow-up planned for 2010.

<sup>5</sup> For the definitions of the key terms used in the table, see Chapter 20 – Standing Committee on Public Accounts.

<sup>6</sup> PAC Report Year refers to the year that PAC first made the recommendation in its report to the Legislative Assembly.

**Chapter 13 – Justice and Attorney General**

<b>PAC REPORT YEAR<sup>6</sup></b>	<b>OUTSTANDING RECOMMENDATION</b>	<b>STATUS</b>
2009	PAC concurs: 15-4 that the members of the Saskatchewan Financial Services Commission establish standards for planning, conducting and reviewing investigations into complaints from the investing public.	<b>Not implemented</b> (as at March 31, 2007). We have a follow-up planned for 2010.
2009	PAC concurs: 15-5 that the members of the Saskatchewan Financial Services Commission monitor all investigations of complaints from the investing public including those referred to self-regulatory organizations.	<b>Not implemented</b> (as at March 31, 2007). We have a follow-up planned for 2010.
2009	PAC concurs: 15-6 that the members of the Saskatchewan Financial Services Commission require and review sufficient information about investigations of complaints from the investing public to carry out their responsibilities.	<b>Not implemented</b> (as at March 31, 2007). We have a follow-up planned for 2010.
2009	PAC concurs: 15-7 that the members of the Saskatchewan Financial Services Commission set performance targets to help measure progress towards objectives.	<b>Not implemented</b> (as at March 31, 2007). We have a follow-up planned for 2010.
<b>Ministry of Justice and Attorney General (Superintendent of Pensions)</b>		
2005	PAC concurs: 5-1 that the Superintendent of Pensions should expand its analysis of pension plan risks to include the key risks faced by all pension plans.	<b>Partially implemented</b> (as at September 2007). We have a follow-up planned for 2011.
2005	PAC concurs: 5-2 that the Superintendent of Pensions should prepare a risk-based work plan to supervise pension plans.	<b>Partially implemented</b> (as at September 2007). We have a follow-up planned for 2011.