

VILLAGE OF MT. AUBURN

ORDINANCE NO. 116

AN ORDINANCE ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM

ADOPTED BY THE  
BOARD OF TRUSTEES  
OF THE  
VILLAGE OF MT. AUBURN  
THIS 13<sup>th</sup> DAY OF ~~OCTOBER~~, 2008.  
December

VILLAGE OF MT. AUBURN  
ORDINANCE NO. 116

**AN ORDINANCE ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM**

WHEREAS, attached hereto and incorporated herein by reference is a copy of an identity Theft Prevention Program for the Village of Mt. Auburn, Illinois.


NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. AUBURN, CHRISTIAN COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. That said Identity Theft Prevention Program is hereby adopted as and for the Identity Theft Prevention Program for the Village of Mt. Auburn, Illinois.

Section 2. That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect or otherwise impair any other section, clause, provision or portion of this Ordinance which is not, in or of itself, invalid or unconstitutional.

Section 3. This Ordinance shall be effective upon its passage and approval as provided by law.

ON MOTION DULY MADE AND SECONDED and pursuant to roll call vote, this Ordinance was passed, approved and adopted, this 1<sup>st</sup> December day of ~~October~~, 2008.

  
Kenny Copenbarger, Village President

ATTEST:

  
Tammy Hamell, Village Clerk

(MUNICIPAL SEAL)

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

\_\_\_\_\_

ABSENT: \_\_\_\_\_

FILED IN THE OFFICE OF THE VILLAGE CLERK, VILLAGE OF MT. AUBURN,  
ILLINOIS THIS 12<sup>th</sup> DAY OF OCTOBER, 2008.

*December*

CERTIFICATE

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF CHRISTIAN )

I, Tammy Hamell, certify that I am the duly elected and acting Village Clerk of the Village of Mt. Auburn, Christian County, Illinois.

I further certify that on ~~October~~ <sup>December</sup> 1, 2008, the Board of Trustees of said Village passed and approved Ordinance No. 116 entitled "**AN ORDINANCE ADOPTING AN IDENTITY THEFT PREVENTION PROGRAM**".

DATED at Mt. Auburn, Illinois, this 1<sup>st</sup> <sup>December</sup> day of ~~October~~, 2008.

  
\_\_\_\_\_  
Tammy Hamell, Village Clerk

(MUNICIPAL SEAL)

## IDENTITY THEFT PREVENTION PROGRAM

Municipality: Village of Mt. Auburn, IL

Program Administrator: Village President

Dated: ~~October~~ <sup>December</sup> 1, 2008

This Identity Theft Prevention Program is hereby adopted by the above-named Illinois municipality pursuant to and in compliance with the Identity Theft Rules of the Federal Trade Commission (FTC), Part 681 of Title 16 of the Code of Federal Regulations (16 CFR Part 681).

### Purpose

The purpose of this Identity Theft Prevention Program (Program) is to protect customers of the Municipality's utility services from identity theft. The Program is intended to establish reasonable policies and procedures to facilitate the detection, prevention and mitigation of identity theft in connection with the opening of new Covered Accounts and activity on existing Covered Accounts.

### Scope

This Program applies to the creation, modification and access to Identifying Information of a customer of one or more of the utilities operated by the Municipality (i.e., natural gas, water and waste water) by any and all personnel of the Municipality, including management personnel. This Program does not replace or repeal any previously existing policies or programs addressing some or all of the activities that are the subject of this Program, but rather it is intended to supplement any such existing policies and programs.

### Definitions

When used in this Program, the following terms have the meanings set forth opposite their name, unless the context clearly requires that the term be given a different meaning:

Covered Account: The term "covered account" means an account that the Municipality offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments of transactions. (16 CFR 681.2(b)(3)(i)). A utility account is a "covered account."

Identity Theft: The term "identity theft" means a fraud committed or attempted using the identifying information of another person without authority. (16 CFR §681.2(b)(8) and 16 CFR §603.2(a)).

Identifying Information: The term “identifying information” means any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any name, social security number, date of birth, official State or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number. Additional examples of “identifying information” are set forth in 16 CFR §603.2(a).

Red Flag: The term “Red Flag” means a pattern, practice or specific activity that indicates the possible existence of identity theft.

Certain terms used but not otherwise defined herein shall have the meanings given to them in the FTC’s Identity Theft Rules (16 CFR Part 681) or the Fair Credit Reporting Act of 1970 (15 U.S.C. §1681 *et seq.*), as amended by the Fair and Accurate Credit Transactions Act of 2003 into law on December 4, 2003. (Public Law 108-159).

### **Administration of the Program**

The initial adoption and approval of the Identity Theft Prevention Program shall be by Ordinance of the Village Board of Trustees. Thereafter, changes to the Program of a day-to-day operational character and decisions relating to the interpretation and implementation of the Program may be made by the Village President (Program Administrator). Major changes or shifts of policy positions under the Program shall only be made by the Village Board of Trustees.

Development, implementation, administration and oversight of the Program will be the responsibility of the Program Administrator. The Program Administrator may, but shall not be required to, appoint a committee to administer the Program. The Program Administrator shall be the head of any such committee. The Program Administrator will report at least annually to the Village Board of Trustees regarding compliance with this Program.

Issues to be addressed in the annual Identity Theft Prevention Report include:

1. The effectiveness of the policies and procedures in addressing the risk of Identity Theft in connection with the opening of new Covered Accounts and activity with respect to existing Covered Accounts.
2. Service provider arrangements.
3. Significant incidents involving Identity Theft and management’s response.
4. Recommendations for material changes to the Program, if needed for improvement.

### **Identity Theft Prevention Elements**

#### Identification of Relevant Red Flags

The Municipality has considered the guidelines and the illustrative examples of possible Red Flags from the FTC’s Identity Theft Rules and has reviewed the Municipality’s past history with

instances of identity theft, if any. The municipality hereby determines that the following are the relevant Red Flags for purposes of this Program given the relative size of the Municipality and the limited nature and scope of the services that the Municipality provides to its citizens:

A. The presentation of suspicious documents.

1. Documents provided for identification appear to have been altered or forged.
2. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
3. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
4. Other information on the identification is not consistent with readily accessible information that is on file with the Municipality, such as a signed application for utility services or a recent check.
5. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

B. The presentation of suspicious personal identifying information, such as a suspicious address change.

1. Personal identifying information provided is associated with known fraudulent activity as indicated by internal sources used by the Municipality. For example:
  - a) The address on an application is the same as the address provided on a fraudulent application; or
  - b) The phone number on an application is the same as the number provided on a fraudulent application.
2. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal sources used by the Municipality. For example:
  - a) The billing address on an application is fictitious, a mail drop, or a prison; or
  - b) The phone number is invalid, or is associated with a pager or answering service.
3. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of other persons opening accounts or other customers.
4. The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
5. Personal identifying information provided is not consistent with personal identifying information that is on file with the Municipality.

C. The unusual use of, or other suspicious activity related to, a Covered Account.

1. A new utility account is used in a manner commonly associated with known patterns of fraud patterns. For example: the customer fails to make the first payment or makes an initial payment but no subsequent payments.

2. A covered account with a stable history shows irregularities.
3. Mail sent to the customer is returned repeatedly as undeliverable although usage of utility products or services continues in connection with the customer's covered account.
4. The Municipality is notified that the customer is not receiving paper account statements.
5. The Municipality is notified of unauthorized usage of utility services in connection with a customer's covered account.

D. Notice of Possible Identity Theft.

1. The Municipality is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

Detection of Red Flags

The employees of the Municipality that interact directly with customers on a day-to-day basis shall have the initial responsibility for monitoring the information and documentation provided by the customer in connection with the opening of new accounts and the modification of or access to existing accounts and the detection of any Red Flags that might arise. Management shall see to it that all employees who might be called upon to assist a customer with the opening of a new account or with modifying or otherwise accessing an existing account are properly trained such that they have a working familiarity with the relevant Red Flags identified in this Program so as to be able to recognize any Red Flags that might surface in connection with the transaction. An Employee who is not sufficiently trained to recognize the Red Flags identified in this Program shall not open a new account for any customer, modify any existing account or otherwise provide any customer with access to information in an existing account without the direct supervision and specific approval of a management employee. Management employees shall be properly trained such that they can recognize the relevant Red Flags identified in this Program and exercise sound judgment in connection with the response to any unresolved Red Flags that may present themselves in connection with the opening of a new account or with modifying or accessing of an existing account. Management employees shall be responsible for making the final decision on any such unresolved Red Flags.

The Program Administrator may establish from time to time a written or verbal policy setting forth the manner in which a prospective new customer may apply for service, the information and documentation to be provided by the prospective customer in connection with an application for a new utility service account, the steps to be taken by the employee assisting the customer with the application in verifying the customer's identity and the manner in which the information and documentation provided by the customer shall be maintained. Such policy shall be generally consistent with the spirit of the Customer Identification Program rules (31 CFR 103.121) implementing Section 326(a) of the USA PATRIOT Act but need not be as detailed. The Program Administrator shall establish from time to time a written or verbal policy setting forth the manner in which customers with existing accounts shall establish their identity before being allowed to make modifications to or otherwise gain access existing accounts.



### Response to Detected Red Flags

If the responsible employees of the Municipality as set forth in the previous section are unable, after making a good faith effort, to form a reasonable belief that they know the true identity of a customer attempting to open a new account or modify or otherwise access an existing account based on the information and documentation provided by the customer, the Municipality shall not open the new account or modify or otherwise provide access to the existing account as the case may be.

The Program Administrator shall establish from time to time a written or verbal policy setting forth the steps to be taken in the event of an unresolved Red Flag situation. Consideration should be given to aggravating factors that may heighten the risk of Identity Theft, such as a data security incident that results in unauthorized access to a customer's account, or a notice that a customer has provided account information to a fraudulent individual or website. Appropriate responses to prevent or mitigate Identity Theft when a Red Flag is detected include:

1. Monitoring a Covered Account for evidence of Identity Theft.
2. Contacting the customer.
3. Reopening a Covered Account with a new account number.
4. Not opening a new Covered Account.
5. Closing an existing Covered Account.
6. Notifying law enforcement.
7. Determining that no response is warranted under the particular circumstances.

### **Program Management and Accountability**

#### Initial Risk Assessment – Covered Accounts

Utility accounts for personal, family and household purposes are specifically included within the definition of "covered account" in the FTC's Identity Theft Rules. Therefore, the Municipality determines that with respect to its residential utility accounts it offers and/or maintains covered accounts, the Municipality also performed an initial risk assessment to determine whether the utility offers or maintains any other accounts for which there are reasonably foreseeable risks to customers or the utility from identity theft. In making this determination the Municipality considered (1) the methods it uses to open its accounts, (2) the methods it uses to access its accounts, and (3) its previous experience with identity theft, and it concluded that it does not offer or maintain any such other covered accounts.

#### Program Updates – Risk Assessment

The Program, including relevant Red Flags, is to be reviewed annually and updated if necessary to reflect any changes in risks to customers from Identity Theft. Factors to consider in the Program update include:

1. An assessment of the risk factors identified above.
2. Any identified Red Flag weaknesses in associated account systems or procedures.
3. Changes in methods of Identity Theft.

4. Changes in methods to detect, prevent, and mitigate Identity Theft.
5. Changes in business arrangements, including mergers, acquisitions, alliances, joint ventures, and service provider arrangements.



