

ENROLLED ORDINANCE 164-11

ADOPTION OF IDENTITY THEFT PREVENTION PROGRAM
AND DELEGATION OF PROGRAM ADMINISTRATION TO
BUSINESS SERVICES & COLLECTIONS MANAGER

WHEREAS, the County of Waukesha defers payment for some services provided to its citizens and are therefore considered a creditor; and

WHEREAS, the Fair and Accurate Credit Transactions Act of 2003, Pub. L. 108-159, (Red Flags Rule) requires certain financial institutions and creditors with “covered accounts” to prepare, adopt, and implement an identity theft prevention program to identify, detect, respond to and mitigate patterns, practices or specific activities which could indicate identity theft; and

WHEREAS, the County of Waukesha maintains certain continuing accounts with customers and for other purposes which involve payments or transactions, and such accounts are “covered accounts” within the meaning of the Red Flags Rule; and

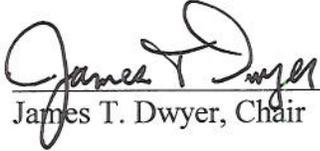
WHEREAS, to comply with the Red Flags Rule, the County has prepared an identity theft prevention program which is on file in the Department of Administration, Collections Division.

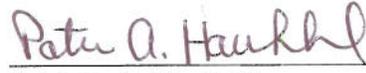
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the theft prevention program on file in the Department of Administration, Collections Division is hereby approved and adopted and that the Business Services & Collections Manager is hereby authorized and directed to implement the Program in accordance with its terms.

BE IT FURTHER ORDAINED that the County Board delegates to the Business Services & Collections Manager the authority to periodically amend the program as necessary or as advisable to reflect changes in risk to customers or the County related to identify theft or to respond to changes in applicable federal or state laws or regulations: such changes must be approved by the County Board.

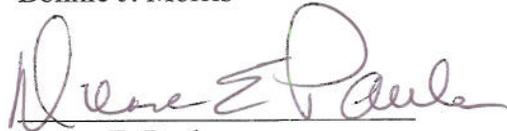
ADOPTION OF IDENTITY THEFT PREVENTION PROGRAM
AND DELEGATION OF PROGRAM ADMINISTRATION TO
BUSINESS SERVICES & COLLECTIONS MANAGER

Presented by:
Executive Committee

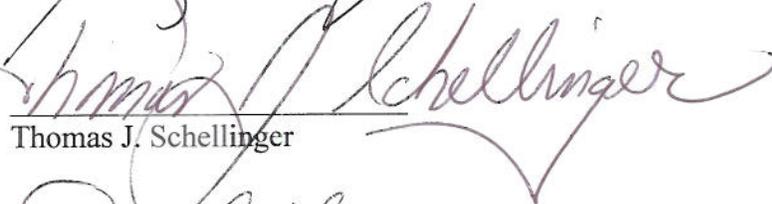

James T. Dwyer, Chair

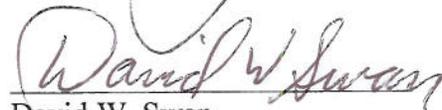

Patricia A. Haukohl


Bonnie J. Morris


Duane E. Paulson


Fritz Ruf


Thomas J. Schellinger


David W. Swan

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: May 1, 2009, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____

Date: 5-4-09, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-04/28/09

(ORD) NUMBER-1640011

1 D. FALSTAD.....AYE
 3 R. HUTTON.....AYE
 5 J. JESKEWITZ.....AYE
 7 P. HAUKOHL.....AYE
 9 J. HEINRICH.....AYE
 11 F. RUF.....AYE
 13 P. DECKER.....AYE
 15 P. MEYERS.....
 17 J. TORTOMASI.....AYE
 19 S. WIMMER.....AYE
 21 W. ZABOROWSKI.....
 23 J. PLEDL.....AYE
 25 G. YERKE.....AYE

2 T. ROLFS.....AYE
 4 J. DWYER.....AYE
 6 J. BRANDTJEN.....AYE
 8 T. SCHELLINGER....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 B. MORRIS.....AYE
 16 D. PAULSON.....AYE
 18 K. CUMMINGS.....AYE
 20 P. JASKE.....
 22 P. GUNDRUM.....
 24 W. KOLB.....AYE

TOTAL AYES-21

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-21

Waukesha County Collection Division
OFFICIAL POLICY & PROCEDURE

TITLE: IDENTITY THEFT PREVENTION PROGRAM	EFFECTIVE DATE: April 28, 2009
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Purpose

To establish an Identity Theft Prevention Program designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with the Federal Trade Commission's Red Flags Rule (Part 681 of Title 16 of the Code of Federal Regulations) implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

1. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
2. Detect Red Flags that have been incorporated into the Program;
3. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
4. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety and soundness of the creditor from Identity Theft.

Definitions

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: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

Identify theft means fraud committed or attempted using the identifying information of another person without authority.

A covered account means:

1. An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include those where the County provides a service to its citizen and collect the payment at a later date, and;
2. Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

A *red flag* means a pattern, practice or specific activity that indicates the possible existence of identity theft.

Policy

A. IDENTIFICATION OF RED FLAGS. The Waukesha County Collection Division identifies the following red flags, in each of the listed categories:

1. Suspicious Documents
 - i. Identification document or card that appears to be forged, altered or inauthentic;
 - ii. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
 - iii. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
 - iv. Application for service that appears to have been altered or forged.

2. Suspicious Personal Identifying Information
 - i. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
 - ii. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
 - iii. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
 - iv. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
 - v. Social security number presented that is the same as one given by another customer;
 - vi. An address or phone number presented that is the same as that of another person;
 - vii. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
 - viii. A person's identifying information is not consistent with the information that is on file for the customer.

3. Suspicious Account Activity or Unusual Use of Account
 - i. Change of address for an account followed by a request to change the account holder's name;
 - ii. Payments stop on an otherwise consistently up-to-date account;

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- iii. Account used in a way that is not consistent with prior use (example: very high activity);
- iv. Mail sent to the account holder is repeatedly returned as undeliverable;
- v. Notice to the Waukesha County Collection Division that a customer is not receiving mail sent by the Waukesha County Collection Division;
- vi. Notice to the Waukesha County Collection Division that an account has unauthorized activity;
- vii. Breach in the Waukesha County Collection Division's computer system security; and
- viii. Unauthorized access to or use of customer account information.

4. Alerts from Others

- i. Notice to the Waukesha County Collection Division from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

B. DETECTING RED FLAGS.

1. **New Accounts.** In order to detect any of the Red Flags identified above associated with the forwarding of a new referral account, Waukesha County Collection Division personnel will take the following steps to obtain and verify the identity of the person (herein referred to as "debtor") whom is the financial and legal responsible party listed on the Client's referral:
 - i. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
 - ii. Verify the debtor's identity (for instance, review a driver's license or other identification card).
2. **Existing Accounts.** In order to detect any of the Red Flags identified above for an existing account, Waukesha County Collection Division personnel will take the following steps to monitor transactions with an account:
 - i. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
 - ii. Verify the validity of requests to change billing addresses; and
 - iii. Verify changes in banking information given for billing and payment purposes.

- C. PREVENTING AND MITIGATING IDENTITY THEFT.** In the event Waukesha County Collection Division personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

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1. Prevent and Mitigate

- i. Continue to monitor an account for evidence of Identity Theft;
- ii. Contact the debtor and/or Client;
- iii. Document appropriate findings in CUBS on debtor's account;
- iv. Do not enter a new referral from same Client without verifying information;
- v. Discontinue collection efforts upon verification of fraudulent activity;
- vi. Notify the Waukesha County Business Services and Collections Manager for determination of the appropriate step(s) to take;
- vii. Notify law enforcement; and/or
- viii. Determine that no response is warranted under the particular circumstances.

2. Protect customer identifying information

- i. In order to further prevent the likelihood of identity theft occurring with respect to Waukesha County Collection Division accounts, the Waukesha County Collection Division will take the following steps with respect to its internal operating procedures to protect customer identifying information:
- ii. Ensure that its website is secure or provide clear notice that the website is not secure;
- iii. Ensure complete and secure destruction of paper documents and computer files containing customer information;
- iv. Ensure that office computers are password protected and that computer screens lock after a set period of time;
- v. Keep offices clear of papers containing customer information;
- vi. Ensure computer virus protection is up to date; and
- vii. Require and keep the kinds of client and/or debtor information that are necessary until the records are destroyed according to the policy of Records Management Detention.

D. PROGRAM UPDATES. This Program will be periodically reviewed and updated to reflect changes in risks to the clients and debtor's and the soundness of the Waukesha County Collection Division from Identity Theft. The Waukesha County Business Services and Collections Manager will consider the Waukesha County Collection Division's experiences with Identity Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the Waukesha County Collection Division maintains and changes in the Waukesha County Collection Division's business arrangements with other entities. After considering these factors, the Waukesha County Business Services and Collections Manager will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Waukesha County Business Services and Collections Manager will implement the program changes.

E. PROGRAM ADMINISTRATION.

1. **Oversight.** Responsibility for developing, implementing and updating this Program lies with the Waukesha County Business Services and Collections Manager. The Waukesha County Business Services and Collections Manager will be responsible for the Program administration, for ensuring appropriate training of Waukesha County Collection Division staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.
2. **Staff Training and Reports.** Waukesha County Collection Division staff responsible for implementing the Program shall be trained either by or under the direction of the Waukesha County Business Services and Collections Manager or Senior Collections Specialists in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. Waukesha County Collection Division staff is required to provide reports to the Program Administrator on incidents of Identity Theft, the Waukesha County Collection Division's compliance with the Program and the effectiveness of the Program.
3. **Specific Program Elements and Confidentiality.** For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the Waukesha County Collection Division's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.

Authority & Revisions

This policy is enacted immediately upon approval of the Waukesha County Board meeting scheduled for April 28, 2009. Revisions to this policy shall only be enacted when approved by the Waukesha County Board and reflected in the applicable meeting minutes. This policy shall be reviewed at least biennially by the Waukesha County Business Services and Collections Manager and updated as appropriate.