

# Duluth/North Shore Sanitary District

## Identity Theft Prevention Program

Effective beginning March 17, 2009

## **I. PROGRAM ADOPTION**

The Duluth/North Shore Sanitary District ("DNSSD") developed this Identity Theft Prevention Program ("Program") pursuant to the Federal Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2. This Program was developed with oversight and approval of the Board of Managers of the Duluth/North Shore Sanitary District and its financial services firm, RRM Financial Services, Inc., owner Rebecca McNamara ("Plan Administrator"). After consideration of the size and complexity of DNSSD's operations and account systems, and the nature and scope of DNSSD's activities, the Board determined that this Program was appropriate for the DNSSD, and therefore approved this Program on March 17, 2009.

## **II. PROGRAM PURPOSE AND DEFINITIONS**

### **A. Fulfilling requirements of the Red Flags Rule**

Under the Red Flags 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.

### **B. Red Flags Rule definitions used in this Program**

The Red Flags Rule defines "Identity Theft" as "fraud committed using the identifying information of another person" and a "Red Flag" as "a pattern, practice, or specific activity that indicates the possible existence of Identity Theft."

According to the Rule, a municipal utility is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

All the Utility's accounts that are individual utility service accounts held by customers of the utility whether residential, commercial or industrial are covered by the Rule. Under the Rule, a "covered account" is:

1. Any account the Utility offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
2. Any other account the Utility offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the Utility from Identity Theft.

“Identifying information” is defined under the Rule as “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.

### **III. IDENTIFICATION OF RED FLAGS.**

In order to identify relevant Red Flags, the Utility considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The Utility identifies the following red flags, in each of the listed categories:

#### **A. Notifications and Warnings From Credit Reporting Agencies**

##### **Red Flags**

- 1) Report of fraud accompanying a credit report;
- 2) Notice or report from a credit agency of a credit freeze on a customer or applicant;
- 3) Notice or report from a credit agency of an active duty alert for an applicant; and
- 4) Indication from a credit report of activity that is inconsistent with a customer’s usual pattern or activity.

#### **B. Suspicious Documents**

##### **Red Flags**

1. Identification document or card that appears to be forged, altered or inauthentic;
2. Identification document or card on which a person’s photograph or physical description is not consistent with the person presenting the document;
3. 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
4. Application for service that appears to have been altered or forged.

### **C. Suspicious Personal Identifying Information**

#### **Red Flags**

1. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates) (Notably, where property is a rental property and bill is being sent to renter, the information presented relating to account may not be that of property owner);
2. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
3. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
4. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
5. Social security number presented that is the same as one given by another customer;
6. An address or phone number presented that is the same as that of another person;
7. 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
8. A person's identifying information is not consistent with the information that is on file for the customer.

### **D. Suspicious Account Activity or Unusual Use of Account**

#### **Red Flags**

1. Change of address for an account followed by a request to change the account holder's name;
2. Payments stop on an otherwise consistently up-to-date account;
3. Account used in a way that is not consistent with prior use (example: very high activity);
4. Mail sent to the account holder is repeatedly returned as undeliverable;
5. Notice to the Utility that a customer is not receiving mail sent by the Utility;
6. Notice to the Utility that an account has unauthorized activity;
7. Breach in the Utility's computer system security; and
8. Unauthorized access to or use of customer account information.

### **E. Alerts from Others**

#### **Red Flag**

1. Notice to the Utility 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.

#### **IV. DETECTING RED FLAGS.**

##### **A. New Accounts**

In order to detect any of the Red Flags identified above associated with the opening of a **new account**, Utility personnel will take the following steps to obtain and verify the identity of the person opening the account:

##### **Detect**

1. Require certain identifying information such as name of legal property owner, parcel ID, billing address, service address, date of birth, residential or business address, legal business name and tax ID (if commercial), principal place of business for an entity, driver's license or other identification;
2. Verify the customer's identity (for instance, confirm information provided agrees with legal information on county website for parcel, review a driver's license or other identification card);
3. Review documentation showing the existence of a business entity (for instance, review legal confirmation of business entity by examining IRS notice of tax ID and Secretary of State filings) for all commercial account; and
4. DNSSD Superintendent will independently and directly contact the customer.

##### **B. Existing Accounts**

In order to detect any of the Red Flags identified above for an **existing account**, Utility personnel will take the following steps to monitor transactions with an account:

##### **Detect**

1. Verify the identification of customers or other entities requesting customer information in person, via telephone, via facsimile, via email (for example, other entities requesting information may include title company or realty company requesting payoff and/or assessment balance). The identity of any customer or other entity requesting customer information will be verified. The release of any information requested by a person or entity other than the customer will be confirmed with the customer;
2. Verify the validity of requests to change billing addresses. Any requests for a change in billing address will be approved by property owner if request is made by a rental customer; and
3. Verify changes in banking information given for billing and payment purposes.

## V. PREVENTING AND MITIGATING IDENTITY THEFT

In the event Utility 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:

### Prevent and Mitigate

1. Continue to monitor an account for evidence of Identity Theft;
2. Contact the customer;
3. Change any passwords or other security devices that permit access to accounts;
4. Not open a new account;
5. Close an existing account;
6. Reopen an account with a new number;
7. Notify the Program Administrator for determination of the appropriate step(s) to take;
8. Notify law enforcement; or
9. Determine that no response is warranted under the particular circumstances.

### Protect customer identifying information

In order to further prevent the likelihood of Identity Theft occurring with respect to Utility accounts, the Utility will take the following steps with respect to its internal operating procedures to protect customer identifying information:

1. Ensure that its website is secure or provide clear notice that the website is not secure;
2. Ensure complete and secure destruction of paper documents and computer files containing customer information;
3. Ensure that office computers are password protected and that computer screens lock after a set period of time;
4. Keep offices clear of papers containing customer information;
5. Request only the last 4 digits of social security numbers (if any);
6. Ensure computer virus protection is up to date; and
7. Require and keep only the kinds of customer information that are necessary for utility purposes.

In addition to the above, the Plan Administrator's place of business has adopted the IT policy attached as Exhibit A, which provides additional security to customer identifying information.

## VI. PROGRAM UPDATES

The Program Administrator will periodically review and update this Program to reflect changes in risks to customers and the soundness of the Utility from Identity Theft. In doing so, the Program Administrator will consider the Utility's experiences with Identity Theft situations, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods,

and changes in the Utility's business arrangements with other entities. After considering these factors, the Program Administrator will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present Board of Managers with his or her recommended changes and the Board of Managers will make a determination of whether to accept, modify or reject those changes to the Program.

## **VII. PROGRAM ADMINISTRATION.**

### **A. Oversight**

Responsibility for developing, implementing and updating this Program lies with the Board of Managers for DNSSD. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of the Plan Administrator's employees, 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.

### **B. Staff Training and Reports**

The Plan Administrator will be responsible for implementing the Program and shall train any persons working either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected.

### **C. Service Provider Arrangements**

Presently, DNSSD has engaged a service provider to act as Program Administrator. DNSSD will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

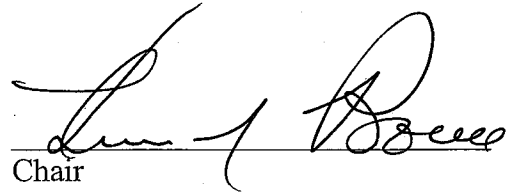
1. Require that service providers have such policies and procedures in place; and
2. Require that service providers review DNSSD's Program and report any Red Flags to the Board of Managers.

### **D. Non-disclosure of Specific Practices**

For the effectiveness of this Identity Theft Prevention Program, knowledge about specific Red Flag identification, detection, mitigation and prevention practices must be limited to the Identity Theft Committee who developed this Program and to those employees with a need to know them. Any documents that may have been produced or are produced in order to develop or implement this program that list or describe such specific practices and the information those documents contain are considered "security information" as defined in Minnesota Statutes Section 13.37 and are unavailable to the public because disclosure of them would be likely to substantially jeopardized the security of information against improper use, that use being to

circumvent the Utility's Identity Theft prevention efforts in order to facilitate the commission of Identity Theft.

Adopted 3-17, 2009.

  
Chair

ATTEST:

  
Secretary