

RESOLUTION R-2013-12

**A RESOLUTION AMENDING THE VILLAGE OF WINDHAM IDENTITY THEFT POLICY
BY ADDING A PERSONAL INFORMATION SYSTEM POLICY AND PROGRAM AND
DECLARING AN EMERGENCY**

WHEREAS, the Council of the Village of Windham enacted Resolution 2009-21 on June 23, 2009; and

WHEREAS, the Finance Committee of the Village of Windham has determined that a Personal Information System Policy and Program should be enacted as a part of the Identity Theft Policy; and

WHEREAS, the Council of the Village of Windham desires to enact the Identity Theft Prevention and Personal Information Policy and Program at the earliest possible time.

NOW THEREFORE BE IT RESOLVED by the Council of the Village of Windham, Portage County, Ohio, two-thirds or more of its members thereto concurring that:

Section 1: The Identity Theft Prevention and Personal Information System Policy and Program attached hereto as Exhibit "A" and incorporated herein by reference is hereby established by the Council of the Village of Windham.

Section 2: The Village Council finds that this Resolution is an emergency measure, effective immediately upon its passage, for the preservation of the public health, safety and welfare of the citizens of the Village of Windham, so as to continue compliance with Federal Trade Commission requirements to have an Identity Theft Policy in place and to establish a Personal Information System Policy and Program in compliance with the Ohio Privacy Act as is set forth in Chapter 1347 of the Ohio Revised Code.

Section 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of the State of Ohio.

Passed by Council as an emergency on April 23, 2013

Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Ms. Blewitt, Mrs. Barrett, Mrs. Miranda, Mrs. Prem
Nays: None.

ATTEST:

APPROVED:

Fiscal Officer, Lloyd Billman

Mayor, Robert W. Donham, II

Approved as to form:

Thomas Reitz, Solicitor

EXHIBIT "A"
Resolution R-2013-12

Identity Theft Prevention and Personal Information System Policy and Program
For
Village of Windham
9621 East Center Street
Windham, Ohio 44288

The Windham Identity Theft Prevention and Personal Information System Policy and Program (hereinafter "Program") is intended to identify red flags that will alert our employees when new or existing accounts are opened using false information, protect against the establishment of false accounts, establish methods to ensure existing accounts were not opened using false information, and to comply with the requirements of the Ohio Privacy Act, Revised Code 1347.01 through 1347.99.

Contact Information

The Management Person responsible for the Program is:

Name:

Title:

Phone number:

The Village Council as of the date this Program was enacted are:

1. Phil Snyder
2. Rachel W. Barrett
3. Sheryl Prem
4. Scott Garrett
5. Deborah Blewitt
6. Jena Miranda

Definitions

To the extent applicable the definitions set forth in Ohio Revised Code 1347.01 apply to this Program.

Duties of All Employees

All employees are only collect, maintain, and use only personal information that is necessary and relevant to meet requirements of the functions that the Village of Windham agency or to perform in compliance with a statute, ordinance, code, or rule, and eliminate personal information from the system when it is no longer necessary and relevant to those function of the Village of Windham.

Employees are prohibited from placing personal information into any interconnected personal information system outside of the Village of Windham unless such placement is in compliance with Ohio Revised Code 1347.071 or other applicable law.

Employees are required to inform a person who is asked to supply personal information whether the person is legally required to, or may refuse to, supply the information;

Risk Assessment

The Village of Windham has conducted an internal risk assessment to evaluate how at risk the current procedures are at allowing customers to create a fraudulent account and evaluate if current (existing) accounts are being manipulated. This risk assessment evaluated how new accounts were opened and the methods used to access the account information. Using this information the Village was able to identify the following red flags that are appropriate to prevent identity theft:

- New accounts opened In Person.
- Account information accessed In Person.
- Account information accessed via Telephone (Person)

Detection (Red Flags)

The Village of Windham here by adopts the following red flags to detect potential fraud. These are not intended to be all-inclusive and other suspicious activity may be investigated as necessary:

- Identification documents appear to be altered.
- Photo and physical description do not match appearance of applicant.
- Other information is inconsistent with information provided by applicant
- Other information provided by applicant is inconsistent with information on file.
- Application appears altered or destroyed and reassembled.
- Personal information provided by applicant does not match other sources of information (e.g. credit reports, SS# not issued or listed as deceased)
- Information provided is associated with known fraudulent activity (e.g. address or phone number provided is same as that of a fraudulent application).
- Information commonly associated with fraudulent activity is provided by applicant (e.g. address that is a mail drop or prison, non-working phone number or associated with answering service/pager)
- SS#, address, or telephone # is the same as that of other customer at utility
- Customer fails to provide all information requested.
- Personal information provided is inconsistent with information on file for a customer.
- Applicant cannot provide information requested beyond what could commonly be found in a purse or wallet
- Identify theft is reported or discovered

Response

Any employee that may suspect fraud or detect a red flag will implement the following response as applicable. All detections or suspicious red flags shall be reported to the designated management official:

- Ask applicant for additional documentation
Notify internal manager: Any utility employee who becomes aware of a suspected or actual fraudulent use of a customer or potential customers identity must notify the Village Administrator.
- Notify law enforcement: The utility will notify Windham Police Chief at Windham Police Department of any attempted or actual identity theft.
- Do not open the account

Personal Information Security Procedures

The Village of Windham hereby adopts the following security procedures.

1. Files containing personally identifiable information are kept in locked file cabinets except when an employee is working on the file.
2. Employees will not leave sensitive papers out on their desks when they are away from their workstations.
3. Anti-virus and anti-spyware programs will be run on individual computers and on servers daily.
4. Computer passwords will be required.
5. Passwords will not be shared or posted near workstations.
6. The computer network will have a firewall where your network connects to the Internet.
7. Check references or do background checks before hiring employees who will have access to sensitive data.
8. New employees are required to sign a copy of this Program document and commit to following the Village of Windham's confidentiality and security standards for handling sensitive data.
9. Access to customer's personal identity information is limited to employees with a "need to know".
10. Employees will be alert to attempts at phone phishing.
11. Employees who violate security policy are subjected to discipline, up to and including, dismissal.
12. Record shall only be retained for so long as they are needed to meet functions the Village of Windham and otherwise comply with law. Paper records will be shredded before being placed into the trash.

Rights of Individual Who is the Subject of the Personal Information

- (A) Upon the request and the proper identification of any person who is the subject of personal information maintained by the Village of Windham, the applicable employee shall:
- (1) Inform the person of the existence of any personal information in the system of which the person is the subject;
 - (2) Except as provided in divisions (C) and (E)(2) of this section, permit the person, the person's legal guardian, or an attorney who presents a signed written authorization made by the person, to inspect all personal information in the system of which the person is the subject;
 - (3) Inform the person about the types of uses made of the personal information, including the identity of any users usually granted access to the system.
- (B) Any person who wishes to exercise a right provided by this section may be accompanied by another individual of the person's choice.
- (C) (1) The Village of Windham, upon request, shall disclose medical, psychiatric, or psychological information to a person who is the subject of the information or to the

person's legal guardian, unless a physician, psychiatrist, or psychologist determines for the agency that the disclosure of the information is likely to have an adverse effect on the person, in which case the information shall be released to a physician, psychiatrist, or psychologist who is designated by the person or by the person's legal guardian.

(2) Upon the signed written request of either a licensed attorney at law or a licensed physician designated by the inmate, together with the signed written request of an inmate of a correctional institution under the administration of the department of rehabilitation and correction, the department shall disclose medical information to the designated attorney or physician as provided in division (C) of section 5120.21 of the Revised Code.

(D) If an individual who is authorized to inspect personal information that is maintained by the Village of Windham requests the Village of Windham to provide a copy of any personal information that the individual is authorized to inspect, the Village shall provide a copy of the personal information to the individual. The Village has established reasonable fees for the service of copying, upon request, personal information that is maintained by the Village.

(E) (1) This section regulates access to personal information that is maintained by the Village of Windham by persons who are the subject of the information, but does not limit the authority of any person to inspect or have copied, pursuant to section 149.43 of the Revised Code, a public record as defined in that section.

(2) This Program does not provide a person who is the subject of records maintained by the Village, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code.

This Program does not apply to any of the personal information enumerated in Ohio Revised Code section 1347.08(F).

Response in the Event Personal Information is Disputed

(A) (1) If any person disputes the accuracy, relevance, timeliness, or completeness of personal information that pertains to him and that is maintained by the Village of Windham, he may request the Village of Windham to investigate the current status of the information. The Village of Windham shall, within a reasonable time after, but not later than ninety days after, receiving the request from the disputant, make a reasonable investigation to determine whether the disputed information is accurate, relevant, timely, and complete, and shall notify the disputant of the results of the investigation and of the action that the Village of Windham plans to take with respect to the disputed information. The Village of Windham shall delete any information that it cannot verify or that it finds to be inaccurate.

(2) If after an Village of Windham's determination, the disputant is not satisfied, the

Village of Windham shall do either of the following:

- (a) Permit the disputant to include within the system a brief statement of his position on the disputed information. The Village of Windham may limit the statement to not more than one hundred words if the Village of Windham assists the disputant to write a clear summary of the dispute.
- (b) Permit the disputant to include within the system a notation that the disputant protests that the information is inaccurate, irrelevant, outdated, or incomplete. The Village of Windham shall maintain a copy of the disputant's statement of the dispute. The Village of Windham may limit the statement to not more than one hundred words if the Village of Windham assists the disputant to write a clear summary of the dispute.
- (3) The Village of Windham shall include the statement or notation in any subsequent transfer, report, or dissemination of the disputed information and may include with the statement or notation of the disputant a statement by the Village of Windham that it has reasonable grounds to believe that the dispute is frivolous or irrelevant, and of the reasons for its belief.
- (B) The presence of contradictory information in the disputant's file does not alone constitute reasonable grounds to believe that the dispute is frivolous or irrelevant.
- (C) Following any deletion of information that is found to be inaccurate or the accuracy of which can no longer be verified, or if a statement of dispute was filed by the disputant, the Village of Windham shall, at the written request of the disputant, furnish notification that the information has been deleted, or furnish a copy of the disputant's statement of the dispute, to any person specifically designated in a writing signed by the person. The Village of Windham shall clearly and conspicuously disclose to the disputant that he has the right to make such a request to the Village of Windham.

Notification in the Event of Breach of Security of Personal Information in the Village of Windham Records

In the event of a breach of the security of personal information maintained in Village of Windham records the Village will follow the procedures set forth in Ohio Revised Code 1347.12.

Penalty for Violation

Any employee who violates the provisions of this Program is subject to discipline in conformity with the Village of Windham Employee Handbook. In addition, disciplinary measures to be applied to any employee who initiates or otherwise contributes to any punitive action against an individual who brings to the attention of the Management Person responsible for administration of this Program, the press, or any member of the public, evidence of unauthorized use of information contained in the system.