

RESOLUTION 11-44 Passed June 13, 2011

**ADOPTING THE STATE OF ILLINOIS
IDENTITY THEFT PREVENTION POLICY
FOR THE CITY OF DEKALB.**

WHEREAS, on April 27, 2009 the City of DeKalb adopted a written Identity Theft Prevention Program (“Program”) to establish rules and procedures to detect, prevent and mitigate identity theft, thus bringing the City into compliance with, certain identity theft prevention laws and regulations, including those promulgated by the Federal Trade Commission; and,

WHEREAS, the City desires to adopt an additional Identity Protection Policy that brings the City into compliance with, certain identity theft prevention laws and regulations of the State of Illinois, including 5 ILCS 179/1 et al.; now,

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL City Council of the City of DeKalb, Illinois, as follows:

Section 1. Recitals. The foregoing recitals are incorporated herein as if fully set forth.

Section 2. Adoption of Policy. The “Identity Protection Policy,” attached to this Resolution as Exhibit A, establishing rules and procedures to detect, prevent and mitigate identity theft (“Policy”) shall be, and is hereby, approved.

Section 3. Effective Date. This Resolution and the Policy shall be in full force and effect upon its approval in the manner provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 13th day of June, 2011 and approved by me as Mayor on the same day. Passed on the Consent Agenda by omnibus roll call vote: 8-0. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O' Leary, Povlsen.

ATTEST:



STEVE KAPITAN, City Clerk





KRIS POVLSSEN, Mayor

A RESOLUTION ADOPTING AN IDENTITY PROTECTION POLICY

Pursuant to the Identity Protection Act (5 ILCS 179/1 *et al.*), all municipalities must adopt a policy regarding the collection, use and disclosure of individuals' social security numbers.

1. DEFINITIONS

"Policy" means this City of DeKalb Policy entitled Identity Protection Policy.

"Act" means the Identity Protection Act (5 ILCS 179/1 *et al.*)

"City" means the City of DeKalb, DeKalb County, Illinois.

2. PROHIBITED ACTIVITIES

A. No officer or employee of the City shall do any of the following:

1. Intentionally communicate or otherwise intentionally make available to the general public, in any manner, an individual's social security number.
2. Print an individual's SSN on any card required for the individual to access products or services provided by the City.
3. Require an individual to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted.
4. Print an individual's social security number on any materials that are mailed to the individual through the U.S. Postal Service, any private mail service, electronic mail, or any similar method of delivery, unless State or federal law requires the social security number to be on the document to be mailed. Notwithstanding any provision in this subsection to the contrary, social security numbers may be included in applications and forms sent by mail, including but not limited to any material mailed in connection with the administration of the Unemployment Insurance Act; any material mailed in connection with any tax administered by the Illinois Department of Revenue; and documents sent as part of an application or enrollment process or to establish, amend, or terminate an account, contract, or policy or to confirm the accuracy of the social security number. A social security number that may be permissibly mailed under this subsection may not be printed, in whole or in part, on a postcard or other mailer that does not require an envelope, or be visible on an envelope without the envelope having been opened.

B. Except as otherwise provided in this Policy, no officer, employee or agent of the City shall do any of the following:

1. Collect, use or disclose a social security number from an individual unless:
 - i. Required to do so under State or federal law, rules or regulations, or the collection, use, or disclosure of the social security number is otherwise necessary for the performance of that officer's or employee's duties and responsibilities;
 - ii. The need and purpose for the social security number is documented prior to the collection of the social security number; and
 - iii. The social security number collected is relevant to the documented need and purpose.

2. Require an individual to use his or her social security number to access an Internet web site.
 3. Use the social security number of an individual for any purpose other than for which it was collected.
- C. The prohibitions set forth in Section B, above, do not apply in the following circumstances:
1. The disclosure of social security numbers to agents, employees, contractors, or subcontractors of the City or disclosure to another governmental entity or its agents, employees, contractors, or subcontractors, if disclosure is necessary in order for the City to perform its duties and responsibilities; and, if disclosing to a contractor or subcontractor, prior to such disclosure, the officer or employee of the City must first receive from the contractor or subcontractor a copy of the contractor or subcontractor's policy that sets forth how the requirements imposed under this Policy on the City, to protect an individual's social security number will be achieved.
 2. The disclosure of social security numbers pursuant to court order, warrant, or subpoena.
 3. The collection, use, or disclosure of social security numbers, in order to ensure the safety of:
 - i. City employees;
 - ii. persons committed to correctional facilities, local jails, and other law enforcement facilities or retention centers;
 - iii. wards of the State; and,
 - iv. all persons working in or visiting a City facility.
 4. The collection, use or disclosure of social security numbers for internal verification or administrative purposes.
 5. The collection or use of social security numbers to investigate or prevent fraud. To conduct background checks, to collect a debt, to obtain a credit report from a consumer reporting agency under the federal Fair Credit Reporting Act, to undertake any permissible purpose that is enumerated under the federal Gramm Leach Bliley Act, or to locate a missing person, a lost relative, or a person who is due a benefit, such as a pension benefit or an unclaimed property benefit.
- D. Any previously adopted standards of the City, for the collection, use or disclosure of social security numbers, that are stricter than the standards under this Policy with respect to the protection of those social security numbers, shall, in the event of any conflict with the provisions of this Policy, control.

3. PUBLIC INSPECTION AND COPYING OF DOCUMENTS

Notwithstanding any other provision of this Policy to the contrary, all officers and employees of the City must comply with the provisions of any other State law with respect to allowing the public inspection and copying of information or documents containing all or any portion of an individual's social security number. All officers and employees of the City must redact social security number from the information or documents before allowing public inspection or copying of the information or documents, as such information is exempt from disclosure under the Freedom of Information Act, pursuant to 5 ILCS 140/7(1)(b) as "private information", as defined by 5 ILCS 140/2(c-5).

4. APPLICABILITY

- A. This Policy does not apply to the collection, use or disclosure of a social security number as required by State or federal law, rule or regulation.
- B. This Policy does not apply to documents that are required to be open to the public under any State or federal law, rule or regulation, applicable case law, Supreme Court Rule or the Constitution of the State of Illinois.

5. COMPLIANCE WITH FEDERAL LAW

If a federal law takes effect requiring any federal agency to establish a national unique patient health identifier program, the City's compliance with said program shall not be deemed a violation of this Policy or the Act.

6. EMBEDDED SOCIAL SECURITY NUMBERS

No officer or employee of the City may encode or embed a social security number in or on a card or document, including, but not limited to, using a bar code, chip, magnetic strip, RFID technology or other technology, in place of removing the social security number as required by this Policy

7. IDENTITY-PROTECTION REQUIREMENTS

- A. All officers and employees of the City, identified as having access to social security numbers in the course of performing their duties, shall receive training in regard to protecting the confidentiality of social security numbers. Said training shall include instructions on the proper handling of information that contains social security numbers from the time of collection through the destruction of the information.
- B. Only officers and employees of the City who are required to use or handle information or documents that contain social security numbers shall have access to such information or documents.
- C. Social security numbers requested from an individual shall be provided in a manner that makes the social security number easily redacted if required to be released as part of a public records request.
- D. When collecting a social security number, or upon requests by the individual providing the social security number, a statement of the purpose or purposes for which the City is collecting and using the social security number shall be provided.
- E. A written copy of this Policy and any amendments thereto, shall be filed with the City Clerk within thirty (30) days after approval of this Policy or any amendments thereto.
- F. The City Manager shall make sure that all officers and employees of the City are aware of the existence of this Policy, and shall make a copy of this Policy available to each officer and employee. If the City amends this Policy, then the City Manager shall advise all officers and employees of the City of the existence of the amended Policy, and shall make a copy of the amended Policy available to each officer and employee of the City.
- G. The City shall make this Policy to any member of the public, upon request.

8. VIOLATION

Any person who intentionally violates the prohibitions in Section 10 of the Act (which are set forth in Sections 2A and 2B of this Policy) shall, pursuant to the Act, be guilty of a Class B misdemeanor.

This Policy does not supersede any more restrictive law, rule or regulation regarding the collection, use or disclosure of social security numbers.