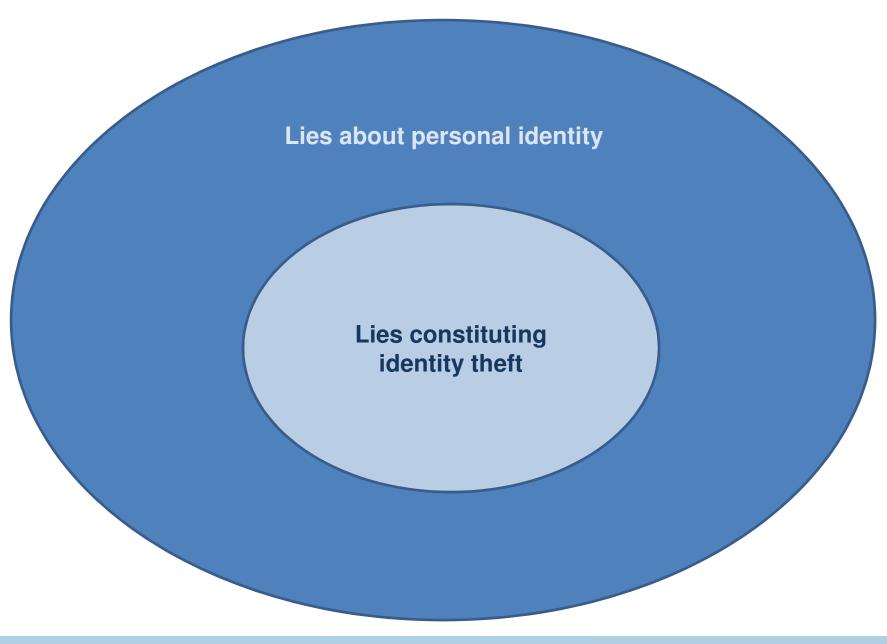
Identity Theft & NC Local Health Departments



What constitutes ID theft?

	Information provided
Name	Dorothy Gale
DOB	March 14, 1992
SSN	I don't know
ID	I don't have any





Legal definitions of ID theft

Primary sources

- Federal and state criminal laws
- Federal laws addressing ID theft, including the "Red Flags" rule

Common elements

- Using the identifying information of another person
- To attempt or commit a fraud, such as obtaining a benefit to which you are not entitled or avoiding paying for something

What constitutes ID theft?

	Information provided	True?
Name	Dorothy Gale	False
DOB	March 14, 1992	True
SSN	I don't know	True
ID	I don't have any	False

- Is it personally identifying information of another person?
- Did the client who gave this information lie about her identity for the purpose of attempting or committing a fraud?



Red flags rule

- Federal rule
- Enforced by Federal Trade Commission
- Is it in effect yet?
- Enforcement delayed (again) – new target date: June 1, 2010





Red flags rule

- Identify things that are "red flags" of identity theft
- Detect those red flags when they're presented to you
- Respond <u>appropriately</u> to the red flags you detect



What is a red flag?



Definition in rule

 "A pattern, practice, or specific activity that indicates the possible existence of identity theft."

Examples from rule

- Suspicious documents altered/forged, info that doesn't match person
- Suspicious identifying information – same SSN as another client, info inconsistent with file
- Notice that there may be ID theft associated with particular client

How will you detect red flags?

- Likely will vary by red flag identified
- Consider different red flags in template:
 - Photo on ID doesn't look like the person
 - Inconsistent personal info, such as DOB
 - SSN, Medicaid or other insurance number duplicative of one already on file
 - Mail keeps being returned
 - Notification from client or law enforcement



How will you respond to red flags?

- Appropriately! But what is appropriate?
 - Commensurate with the degree of risk the particular red flag creates
 - Appropriate to the nature and scope of the department's activities
- Special considerations for LHDs
 - Confidentiality laws
 - Nondiscrimination laws
 - Role as provider of essential PH services



Response options in FTC guidance

- Monitor account
- Contact customer
- Change security devices
- Close account or reopen with new number
- Don't attempt to collect on account
- Notify law enforcement
- Determine that no response is warranted under the particular circumstances





- How should we handle a red flag presented by a client that we believe to be an illegal alien?
- The same way you handle a red flag presented by a client that you believe to be a citizen or legal alien.





- Does the red flag rule require us to report clients to law enforcement?
- No. The red flags rule does not <u>require</u> you to notify law enforcement. The rule lists notification of law enforcement as one of several responses to a red flag that <u>may</u> be appropriate, depending on the circumstances.



- Is notification of law enforcement an appropriate response to a red flag?
- It depends on the circumstances.
- In most cases, confidentiality laws will prevent you from notifying law enforcement.
- There is one exception: you may notify law enforcement if you believe in good faith that the red flag constitutes evidence of a crime committed on your premises.



- When would a red flag constitute evidence of a crime committed on the health department's premises?
- It depends on the circumstances. Talk to a lawyer about your particular situation.





- Must a LHD have its own red flags program, or can it just sign on to the county's program?
- Either approach is okay, but if it's a countywide program, it needs to have policies and procedures that are tailored to the different agencies or programs that it covers.



 Is it possible to prevent red flags in the first place?





SSNs & Federal + NC Law

- May not ask clients for SSNs unless:
 - Specific law says you may, or
 - SSNs are imperative for performance of legal duties
- Must document why you need SSNs
- Must tell clients:
 - Whether provision of SSN is voluntary or mandatory
 - The legal authority that allows you to ask for SSNs
 - What uses you will make of SSN
- Must segregate SSN from the rest of the record



What should the LHD have?

- Document explaining why the LHD is authorized to collect SSNs
- Statement of authority for collecting SSNs and the purposes for which SSNs are collected and used (to be provided to clients on request)
- Method for notifying clients at the time SSN is requested that provision of SSN is voluntary, and how it will be used if provided
- Method for keeping SSN separate from the rest of the record

