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## AGENDA COVER MEMO

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AGENDA DATE: July 9, 2008  
Memorandum Date: June 24, 2008

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPARTMENT: LANE COUNTY OFFICE OF LEGAL COUNSEL

PRESENTED BY: Andy Clark, Assistant County Counsel

AGENDA ITEM TITLE: IN THE MATTER OF AMENDING CHAPTER 2 OF LANE  
MANUAL TO ADD POLICY LANGUAGE IMPLEMENTING THE  
OREGON CONSUMER IDENTITY THEFT PROTECTION ACT  
(LM 2.183)

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### I. MOTION

I move to approve changes to the Lane Manual relating to the Oregon Consumer Identity Theft Protection Act.

### II. AGENDA ITEM SUMMARY

The Board is being asked to approve amendments to Chapter 2 of the Lane Manual to add policy language regarding implementation of the Oregon Consumer Identity Theft Protection Act, which was adopted during the 2007 Legislative session.

### III. BACKGROUND/IMPLICATIONS OF ACTION

**A. Board Action and Other History** The Oregon legislature adopted the Oregon Consumer Identity Theft Protection Act (the "Act"), effective October 1, 2007 (now codified as ORS 646A.600 through 646A.628). The Act applies to the County to the extent that County Departments own, maintain or otherwise possess consumer personal information, as defined by the Act.

**B. Policy Issues** Compliance with state law is a policy issue addressed with this change to the Lane Manual.

**C. Board Goals** The Board is committed to the most efficient use of the public's resources and to complying with state law. The proposed policy language is consistent with the Board's goals.

**D. Financial and/or Resource Considerations** The proposed policy language implementing the Oregon Consumer Identity Theft Protection Act should help protect the County from potential claims regarding noncompliance with this state law.

**E. Analysis** The Act became effective on October 1, 2007, and applies within the County to Departments that handle consumer personal information, as defined by the law. The proposed addition to Lane Manual authorizes the County Administrator to adopt administrative procedures specifying the duties imposed by the law.

The Act and proposed Lane Manual policies apply to County Departments that own, maintain or otherwise possess consumer personal information. A consumer is any resident of the state. Personal information is defined by the Act to include: a consumer's first name or first initial and last name in combination with (1) a Social Security number, (2) a driver license number or state identification card number issued by the Department of Transportation, (3) a passport number or other United States issued identification number, or (4) a financial account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to a consumer's financial account.

The Act requires the development of administrative, technical and physical safeguards to protect the security, confidentiality and integrity of consumer personal information.

The Act also restricts the way an individual's Social Security number is handled. In general, the County is not permitted to print a consumer's Social Security number on any mailed materials not requested by the consumer unless redacted, print a consumer's Social Security number on a card used by the consumer that is required to access products or services, or publicly post or display a consumer's Social Security number, such as on a Web site.

Finally, if consumer personal information that is held in computerized form is inadvertently released to the public, the Act requires an analysis of the suspected security breach and notification to the consumer.

Legal counsel has drafted administrative procedures to implement the requirements of the Act specified above. The draft procedures have been reviewed by Department staff and presented to the County Administrator for review.

**F. Alternatives/Options** The Board may choose to adopt the proposed Lane Manual language indicating its intent to implement the Act and adopt appropriate administrative procedures. Adoption of new Lane Manual provisions is not required by the Act. Accordingly, the Board may choose to not adopt new Lane Manual language, in which case the Act would still apply and govern activities of the County. In that event, the Board may still wish to authorize the County Administrator to adopt appropriate administrative procedures to implement and provide guidance on meeting the requirements of the Act.

**IV. TIMING/IMPLEMENTATION** Effective immediately upon approval.

**V. RECOMMENDATION** I recommend the Board adopt the proposed Lane Manual language.

**VI. ATTACHMENTS** Board Order with LM pages attached.

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

IN THE MATTER OF AMENDING CHAPTER 2 OF THE  
LANE MANUAL TO ADD POLICY LANGUAGE  
IMPLEMENTING THE OREGON CONSUMER IDENTITY  
THEFT PROTECTION ACT (LM 2.183)

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 2 is hereby amended by adding the following section:

**DELETE THIS SECTION**

None

**INSERT THIS SECTION**

2.183

as located on page 2-14  
(a total of 1 page)

Said section is attached hereto and incorporated herein by reference. The purpose of this addition is to provide policy language for implementing the Oregon Consumer Identity Theft Protection Act (LM 2.183).

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 6/24/08 Lane County

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OFFICE OF LEGAL COUNSEL

**2.183 Policy Regarding Oregon Consumer Identity Theft Protection Act.**

The Oregon Consumer Identity Theft Protection Act (the "Act") codified at ORS 646A.600 – 646A.628, is applicable to Lane County departments that own, maintain or otherwise possess consumer personal information as defined by the Act.

(1) Generally, unless the information is protected through encryption, redaction or other methods, consumer personal information to which the Act applies includes a consumer's first name or first initial and last name in combination with (1) a Social Security number, (2) a driver license number or state identification card number issued by the Department of Transportation, (3) a passport number or other United States issued identification number, or (4) a financial account number, credit or debit card number, in combination with any required security code, access code or password that would permit access to a consumer's financial account.

(2) Lane County departments will establish administrative, technical and physical safeguards to protect the security, confidentiality and integrity of consumer personal information.

(3) Lane County departments will not print, retain, or publicly display Social Security numbers except as allowed by the Act.

(4) In the event that consumer personal information held by Lane County in computerized form is subject to an unauthorized release, the Lane County department involved will follow the public notification requirements provided by the Act and all adopted County administrative procedures.

(5) The County Administrator is delegated authority to adopt procedures and guidelines to implement the Act as applicable to Lane County departments.

**2.185 Public Records on County Internet Website.**

The purpose of this policy is to provide procedures for Lane County in distributing public records information on the County Internet website that contains certain personal information. The following objectives were used in guiding this policy:

(1) Allow public ease of access to public records information that is currently being provided at County offices;

(2) The law may prohibit the County from disclosing certain personal information about members of the public; other personal information should be protected where feasible;

(3) Recognize that individuals who demonstrate a danger to personal safety or to the safety of a family member residing with them may request that a record containing their home address and telephone number not be disclosed;

(4) Promote public trust and confidence in the use of services and information provided by the County Internet website;

(5) Inform the public about the practices, procedures and principles for public records information that is distributed on the County Internet website. *(Revised by Order No. 02-3-12-4, Effective 3.12.02)*

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