

Additional Identity Theft Issues:

Issue	Concern	How addressed or options:
Sale of cell phone records	 <ul style="list-style-type: none"> -- Privacy -- Stalking 	<ul style="list-style-type: none"> • Court - Cingular Wireless suit • Missouri AG suing 2 firms, 3 individuals (see news article) • Congress - markup of <u>S 2389</u> allowing civil suits by telcom /IP providers not subscribers, requiring notification, state AG to enforce in fed court, includes preemption • FTC • States: MN, FL, CSG
State Computer Security	 <p>Concern about vulnerability of computer network, particularly related to connecting office locations lacking an appropriate level of technical support</p>	
Jurisdiction	Consumer protection statutes assign prosecution to AG -- and indicates that case can be filed in district court in which the perpetrator lives, has a principal place of business, or in L&C County.	<p>Options:</p> <ul style="list-style-type: none"> • Where victim lives
Tort -- or -- Criminal	Do both apply - is this an educational factor for county attorneys?	
County Attorney Assistance and extension of more part 1 consumer protection statutes to part 17	ID Theft Statutes in Title 30, chapter 14, part 17 do not include reference to county attorneys assistance as does 30-14-121 in the Unfair Trade Practices and Consumer Protection Act.	Expand reference in 30-14-1705 to include 30-14-121 under subsection (2) e.g. "The provisions of 30-14-111(3) and (4) and 30-14-112 through 30-14-115 and <u>30-14-121, 30-14-131 through 30-14-134, and 30-14-141</u> apply to this part."

<p>Restitution of direct and indirect victims</p>	<p>30-14-131 does not apply (restoration) to security breaches (see above). The impact on direct victim of ID theft may be softened by credit card company or other 3rd party. Should 3rd party get restitution?</p>	<p>E.g. Verizon seeks injunction in FL against callers seeking acct holders' personal info - Verizon might be at fault if info given. Both parties may need protection</p> <p> Credit Unions have proposed language to Congressional legislation HR3997 that would restitution of financial third parties' costs of sending out new credit cards or similar costs. See handout from Bob Pyfer.</p>
<p>Expand notification to relevant financial institutions</p>	<p>Recommended by CUNA's State Credit Union Subcommittee. Also, see Bob Pyfer's recommendations. p.2 of 3/14/06 Memo to Work Group and EAC</p>	<p>Amend 30-14-1704 to clarify notification of financial institutions, where relevant. Does 33-19-321, MCA, adequately cover insurance orgs?</p>
<p>Mandatory Sentencing for ID Theft Perpetrators</p>	<p>Proposed by MECC, draft suggestions from Detective Brian Fulford</p>	<p>Similar to federal sentencing guidelines, require mandatory sentence if a felony ID theft conviction in conjunction with another underlying felony, like manufacture or distribution of controlled substance.</p>
<p> More than one person using a SSN</p>	<p> Financial institutions or state agencies that compile data bases with social security numbers may know that more than one person is using the same social security number but this information is not shared.</p>	<p> Is it possible for states to require notification where, in the course of business, a business or the state finds that a SSN is used by more than 1 person? Notification would be of all known persons with that SSN with the comment that the SSN no longer is unique and that monitoring may be advised?</p>

Items marked with  are additions from original mailing. (Revised 5/12/06)