

RESOLUTION NO. 6072

**A RESOLUTION ADOPTING THE "F-04-08, IDENTITY THEFT PROTECTION POLICY"
AND REPEALING RESOLUTION NO. 5690.**

WHEREAS, in 2008 the League of Oregon Cities (LOC) advised that cities providing utility services would be subject to Federal Trade Commission (FTC) Red Flags rules; and

WHEREAS, the FTC required approval of an agency's policy by its "budgeting authority"; and

WHEREAS, on October 22, 2008, the City Council revised the City of Albany Identity Theft Protection Policy to include Federal Trade Commission (FTC) Red Flags rules via Resolution No. 5690; and

WHEREAS, the "Red Flag Program Clarification Act of 2010" (S. 3987) was signed by President Obama in December 2010 to clarify the definitions of which types of agencies and lenders are subject to Red Flags rules; and

WHEREAS, it was determined by City staff and confirmed by the City Attorney that the new Red Flags definitions exclude the advancing of funds incidental to providing a service, thereby excluding the City of Albany from Red Flags regulations; and

WHEREAS, removal of the Red Flags requirements also removes the requirement for City Council approval to revisions of the City of Albany Identity Theft Protection Policy; and

WHEREAS, the City is subject to Oregon Identity Theft Protection Act (OITPA) which is included in the City of Albany Identity Theft Protection Act Policy.


NOW, THEREFORE, BE IT RESOLVED the City of Albany City Council hereby adopts F-04-08, Identity Theft Protection Policy; and

Also BE IT RESOLVED that Resolution No. 5690 is repealed.

DATED AND EFFECTIVE THIS 11th DAY OF JANUARY, 2012.


Mayor

ATTEST:


City Clerk