

A RESOLUTION AUTHORIZING ADOPTION AND IMPLEMENTATION OF THE FRANKLIN COUNTY RED FLAG POLICY

WHEREAS, the Fair and Accurate Credit Transaction Act of 2003 (FACTA) added new sections to the federal Fair Credit Reporting Act (FCRA, 15 U.S.C. 1681 et seq.), intended primarily to help consumers fight the growing crime of identity theft; and

WHEREAS, FACTA requires all financial institutions and creditors to adopt and implement a written policy to detect and deter identity theft; and

WHEREAS, the Federal Trade Commission's published rule, *Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003* (16 C.F.R. 681), requires the written policy be adopted and implemented by November 1, 2008 (the "Rule") and

WHEREAS, the Federal Trade Commission's deadline for complying with the Identity Theft Red Flags Rule (16 C.F.R. 681.2), was extended to May 1, 2009; and

WHEREAS, the Rule identifies a local government as a creditors if it defers payment for goods or services by its customers; and

WHEREAS, Franklin County is a creditor in the business of providing certain goods and services in advance of payment by its customers; and

WHEREAS, the Rule identifies covered accounts as those for whom services are provided for personal, family or household services that involves or is designed to permit multiple payments or transactions, as well as any other account for which there is a reasonably foreseeable risk to customers from identity theft; and

WHEREAS, Franklin County provides infrastructure improvements to customers who may pay for the improvements over a period of time; and

WHEREAS, Franklin County provides ambulance transport to customers for whom there is a reasonably foreseeable risk from identity theft; and

WHEREAS, Franklin County provides public health services to clients who may pay for the services afterwards; and

WHEREAS, Franklin County may provide other services to customers for whom there is a reasonably foreseeable risk from identity theft; and

WHEREAS, the Rule requires the Governing Body approve and adopt and implement a written policy.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Franklin County, Kansas that:

1. Pursuant to the FACTA and the Rule, the Board of County Commissioners hereby approves and adopts the Franklin County Red Flag Policy and Identity Theft Prevention Program.
2. This Resolution shall take effect immediately.

BOARD OF COUNTY COMMISSIONERS
OF FRANKLIN COUNTY, KANSAS

ATTEST:

/s/ John E Taylor
John E. Taylor, Chairman

/s/ Shari Perry
Shari Perry, County Clerk