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## **Identity Theft Protection Act**

The passage of Senate Bill 583 – the Oregon Consumer Identity Theft Protection Act – means consumers will have more tools to protect themselves against identity theft and Oregon businesses will have standards to ensure the safety of the personal identifying information they maintain. Personal information includes a consumer's name in combination with a Social Security number, drivers' license number, financial account, or credit or debit card number along with security or access code or password that would gain access to a financial account.

Each year thousands of Oregonians become victims of identity theft. According to the Federal Trade Commission, Oregon is ranked 13<sup>th</sup> in the nation for this crime. Victims of identity theft suffer both financially and emotionally. Those who have had their personal information stolen may encounter multiple unauthorized charges on credit cards and unauthorized withdrawals from their bank accounts. The result may be damaged credit records, which can take months or even years to clean up. Identity theft victims also lose their sense of security, similar to a home burglary.

Below are the specific protections of the law:

- ***Security Freeze – Effective October 1, 2007***, all Oregonians will be able to place a security freeze on their credit file maintained by a credit reporting agency, such as Equifax, Experian or TransUnion. There is no fee if a person is a victim of identity theft or has reported the theft of their personal information to a law enforcement agency. For other consumers, the credit reporting agency may charge a fee of no more than \$10.

Those who do place a credit freeze on their report can “thaw” their file to apply for new credit. Certain entities such as law enforcement agencies and businesses collecting existing debt still will be able to access the credit file.

- ***Notification of a Breach – Effective October 1, 2007***  
Any business, organization, or individual that maintains personal information of Oregon consumers will be required to notify their customers if computer files containing that personal information have been subject to a security breach. The notification must be done in the most expeditious time possible, consistent with the needs of law enforcement. In most cases the notification can be in writing, but the law allows for electronic notice if this is the primary manner of communication between the consumer and the business, or telephone notice if the consumer is contacted directly. If the cost of notification is more than \$250,000 or the number of individuals to be notified is more than 350,000, the business may notify through major Oregon television and newspaper media.

- ***Protection of Social Security numbers – Effective October 1, 2007***

Consumers are especially vulnerable to identity theft if their Social Security number has fallen into the wrong hands. Businesses will be prohibited from printing Social Security numbers on cards or documents or publicly displaying or posting a Social Security number. This doesn't apply to the use of SSNs for internal verification purposes. The law allows an exception for records that are required by law to be made available to the public.

- ***Safeguarding personal information – Effective January 1, 2008***

Businesses or organizations that collect personal information from an individual, such as driver's license numbers or Social Security numbers, must develop, implement and maintain reasonable safeguards to protect the security and confidentiality of the information. This also includes the proper disposal of information.

The Department of Consumer and Business Services is charged with enforcing these new laws. The Department's Division of Finance and Corporate Securities has developed materials and presentations for businesses and consumers to better understand their rights and responsibilities. .

A copy of Senate Bill 583 and other detailed information is available at [www.dfcs.oregon.gov](http://www.dfcs.oregon.gov). Please click on Identity Theft.