

**CHAPTER 35**  
**PRIVACY CONCERNS: IDENTITY THEFT**

**Art. I Identity Theft Identification Program, Sections 35-1-1 to 35-1-2**

**Art. II Treatment of Address Discrepancies, Sections 35-2-1 to 35-2-6**

**ARTICLE I. Identity Theft Identification Program**

Sec. 35-1-1. Short Title. This article shall be known as the Identity Theft Prevention Program.

Sec. 35-1-2. Purpose. The purpose of this Article is to comply with 16 CFR § 681.2, as may be amended from time to time in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

**ARTICLE II. TREATMENT OF ADDRESS DISCREPANCIES**

Sec. 35-2-1. Short Title. Treatment of Address Discrepancies.

Sec. 35-2-2. Purpose. Pursuant to 16 CFR § 681.1, the purpose of this Article is to establish a process by which the City will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the City has received a notice of address discrepancy.

Sec. 35-2-3. Definitions. For purposes of this Article, the following definitions apply:

- (1) ‘Notice of address discrepancy’ means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. § 1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency’s file for the consumer.
- (2) ‘City’ means City of Searcy.

Sec. 35-2-4. Policy. In the event that the City receives a notice of address discrepancy, the City employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

- (1) Compare the information in the consumer report with:
  - a. Information the City obtains and uses to verify a consumer’s identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318(1);

- b. Information the City maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
- c. Information the City obtains from third-party sources that are deemed reliable by the relevant City employee; or

(2) Verify the information in the consumer report with the consumer.

Sec. 35-2-5. Furnishing Consumer's Address to Consumer Reporting Agency.

Sec. 35-2-5.1 In the event that the city reasonably confirms that an address provided by a consumer to the City is accurate, the City is required to provide such address to the consumer reporting agency from which the City received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:

- a. The City is able to form a reasonable belief that the consumer report relates to the consumer about whom the City requested the report;
- b. The City establishes a continuing relation with the consumer; and
- c. The City regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
- d. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the City to such agency for the reporting period in which the City establishes a relationship with the customer.

Sec. 35-2-6. Methods of Confirming Consumer Addresses. The City employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

- (1) Verifying the address with the consumer;
- (2) Reviewing the City's records to verify the consumer's address;
- (3) Verifying the address through third party sources; or
- (4) Using other reasonable processes. (*Ord. No. 2009-8, §1 4-14-2009*)

CHAPTER 35. ....	35-1
PRIVACY CONCERNS; IDENTITY THEFT. ....	35-1
ARTICLE I. Identity Theft Identification Program.. ....	35-1
Sec. 35-1-1. Short Title. ....	35-1
Sec. 35-1-2. Purpose.. ....	35-1
ARTICLE II. TREATMENT OF ADDRESS DISCREPANCIES.....	35-1
Sec. 35-2-1. Short Title. ....	35-1
Sec. 35-2-2. Purpose.. ....	35-1
Sec. 35-2-3. Definitions. ....	35-1
Sec. 35-2-4. Policy. ....	35-1
Sec. 35-2-5. Furnishing Consumer’s Address to Consumer Reporting Agency. ..	35-2
Sec. 35-2-6. Method of Confirming Consumer Addresses. ....	35-2