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To: Taskforcecomments
Subject: Comments on IDTF Proposals

Let me preface my comments by stating that with over 25 yrs managing the investigation of fraud for financial institutions I have come to the conclusion that too much time and effort is placed on attempting to control access to information that can be used to commit identify theft. With technological advances made over the past 10-15 years, information on you or I can be obtained in such an a wide variety of methods that efforts to control some or many will never be enough. In my opinion, all efforts and their associated funding should be focused on one goal and that goal should be to develop and or improve the techniques for authenticating the user of the data to such a level that persons with the data will be unable to carry out their criminal endeavors and therefore identity theft will become a lost art.

I Maintain Security of Consumer Data

1. Government Use of SSN's
eliminate unnecessary use and display of SSNs

In order to properly identify an individual, some form of uniquely issued code, numbers or other indices must be issued to and used by persons operating within today's commerce. Today it is the SSN. If the Federal Government attempts to inhibit use of that identifier, whether couched with such terms as unnecessary use and display or not, the end result will be the creation of an alternate form of identification that will be subject to the same compromising efforts.

2. Comprehensive Record on Private Sector use of SSN's
make them (SSN's) less valuable in committing identity theft.

The business community and in particular, federally insured financial institutions are under the obligation to Know your Customer and likewise should Know your Employee. To do either, businesses must rely upon the use of government issued identification, including SSN's. Any activity that adversely impacts the ability of business to conduct its affairs with the least amount of criminal exposure should not be given consideration.

3. National Data Security Standards
national data security requirements be imposed on all commercial entities that maintain sensitive consumer information

Such requirements would be cumbersome and too difficult to enforce

4. Breach Notice Requirements for Private Sector Entities Handling Sensitive Consumer Information
recommend that a national breach notification requirement be adopted

As in most breach situations, establishing what customer information was assessed is often uncovered through forensic examination by federal law enforcement agencies. The information developed is not generally shared with federally insured financial institutions to allow for preventative measures to be applied on these customer's accounts. A provision should be added that require agencies to release that information at the time of it's development to the applicable financial institutions to assist in preventing both financial crimes and the creation of more identity theft victims.

5. Education of the Private Sector and Consumers on Safeguarding Data

Mom and Apple Pie concept, however the reality is continuous education is both costly and has a net minimal impact on performance

II. Preventing The Misuse of Consumer Date

This in my opinion is the only focus of the Task Force that offers hope for the future reduction of Identity Theft

III Victim Recovery

1. Improving Victim Assistance

The FTC already carries out most of the goals cited in this paragraph so why would additional federal efforts be required?

2. Making Identity Theft Victims Whole

Are there other ways in which the government can remove obstacles to victim recovery

Create provisions that allow for the prosecution of those committing Identity Theft in the jurisdiction of the victim to reduce cost and further inconvenience to the Identity Theft victim(s)

IV Law Enforcement: Prosecuting and Punishing Identity Thieves

1. Establish a National Identity Theft Law Enforcement Center

As described this would be of value to Law Enforcement and subsequently to the financial and emotional victims of identity theft as federal agencies currently do not share information on many of their operations or cases between other federal agencies (yes we're back to the silo concept), or even between offices of their own agency in spite of what you may be told by these agencies.

2. Ability of Law Enforcement to Receive Information from Financial Institutions

c. Discussions with the credit reporting agencies on possible measures that would make it more difficult of identity thieves

Such action must not deter business and in particular financial institutions from using credit reporting agency data in its credit evaluation, collection and fraud investigation efforts.

5. Targeted Enforcement Initiatives

Are there any other such special enforcement initiatives that could make a difference in deterring

If at all possible, international sanctions should be created that provide that internet providers would be subject to a large civil penalty for continuing to allow a subscriber to use their services to conduct criminal activity after being notified of such operations by a law enforcement agency from any country that subscribes to this sanction.

6. Amendments to Federal Statutes and Guidelines Used to Prosecute Identity Theft related Offenses

eliminating the current requirement that the information must have been stolen through interstate communications.

Any effort to eliminate those aspects of the case which gives the Federal Government jurisdiction will open the entire initiative to being declared unconstitutional.

enacting legislation that would make it a felony for data brokers and telephone company employees to knowingly and intentionally sell or transfer customer information without prior written authorization from the customer, with appropriate exceptions for law enforcement purposes.

Such action will block the loss prevention and investigation efforts of private business including the federally insured financial institutions. This directly counters your cited goal for the reduction and prosecution of identity theft crimes as the vast majority of identity theft investigations and subsequent presentations for prosecution come from the direct efforts of the private business and financial institutions.

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