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SENATE
S. No. **3000**

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Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 11 provides “The State values the dignity of every human person and guarantees full respect for human rights.”

An emergent issue in society, “identity theft” is the series of tasks involving the theft of one’s personal information, such as your name, credit card number, or social security number which in turn is utilized for illegal activity. It is the fastest growing crime in America and it is estimated by the Federal Trade Commission (FTC), that approximately 9 million individuals get their identities stolen each year. With more frequent online use, identity theft abuse is expected to grow and impact individuals of all ages.¹

According to the non-profit Identity Theft Resource Center,² and other sources identity theft is sub-divided into five categories:

1. Business/commercial identity theft (using another’s business name to obtain credit)
2. Criminal identity theft (posing as another when apprehended for a crime)
3. Financial identity theft (using another’s identity to obtain goods and services)
4. Identity cloning (using another's information to assume his or her identity in daily life)
5. Medical identity theft (using another's information to obtain medical care or drugs)

¹ <http://www.identitytheft.com/index.php/article/faq/>.

² <http://www.idtheftcenter.org/>.

Identity theft may be used to facilitate crimes including illegal immigration, terrorism, and espionage. Identity theft may also be a means of blackmail. There are also cases of identity cloning to attack payment systems, including online credit card processing and medical insurance.³

Some individuals may impersonate others for non-financial reasons - for instance, to receive praise or attention for the victim's achievements. This is sometimes referred to as identity theft in the media.⁴

In a widely publicized account,⁵ Michelle Brown, a victim of identity fraud, testified before a U.S. Senate Committee Hearing on Identity Theft. Ms. Brown testified that: "over a year and a half from January 1998 through July 1999, one individual impersonated me to procure over \$50,000 in goods and services. Not only did she damage my credit, but she escalated her crimes to a level that I never truly expected: she engaged in drug trafficking. The crime resulted in my erroneous arrest record, a warrant out for my arrest, and eventually, a prison record when she was booked under my name as an inmate in the Chicago Federal Prison."

This bill seeks to establish with the Department of Justice an Identity Theft Prevention and Mitigation Office for the purpose of receiving and resolving complaints affecting victims of identity theft and when appropriate referring these complaints to appropriate investigatory agencies


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³ http://www.worldprivacyforum.org/medidtheft_consumertips.html.

⁴ Former Major League Baseball player Bill Henry was impersonated for over twenty years by an individual born with the same name. There is no evidence that the impersonator gained financially from the impersonation, but he did receive significant local attention.

⁵ Verbal Testimony by Michelle Brown, July 2000, U.S. Senate Committee Hearing on the Judiciary Subcommittee on Technology, Terrorism and Government Information – "Identity Theft: How to Protect and Restore Your Good Name".

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1 AN ACT
2 ESTABLISHING AN IDENTITY THEFT PREVENTION AND
3 MITIGATION OFFICE UNDER THE DEPARTMENT OF JUSTICE
4

5 *Be it enacted by the Senate and the House of Representatives of the Philippines in*
6 *Congress assembled:*
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8 SECTION 1. *Short Title.* -- This Act shall be known as the "Identity Theft
9 Prevention and Mitigation Act of 2009";

10 SECTION 2. *Identity Theft Prevention and Mitigation Office.* -- The Department
11 of Justice shall establish an Identity Theft Prevention and Mitigation Office under the
12 Office of the Secretary for the purpose of receiving and resolving complaints affecting
13 victims of identity theft and when appropriate referring these complaints to appropriate
14 investigatory agencies and acting in concert with such agencies;

15 SECTION 3. *Powers and Duties.* The Office shall have the following powers and
16 duties:

- 17 1. To adopt, promulgate, amend and rescind suitable rules and regulations to
18 carry out the provisions and purposes of this sections;
- 19 2. To identify, investigate and resolve complaints that are made by, or on behalf
20 of, identity theft victims and that relate to actions, inaction or decisions that
21 may adversely affect the welfare, health, safety or financial security or rights
22 of such persons;
- 23 3. To provide services to assist identity theft victims in protecting their identity,
24 including but not limited to advocating for the interest of such persons before

- 1 governmental agencies and seeking appropriate administrative, legal and
2 other remedies to protect their welfare, safety and rights;
- 3 4. To provide services to assist identity theft victims in clearing their financial
4 records of fraudulent activity, reestablishing their credit and preventing
5 further victimization;
- 6 5. To coordinate government programs and activities relating to identity theft
7 prevention, including but not limited to the preparation and distribution of
8 identity theft prevention pamphlets to all government lawyers and the creation
9 of an identity theft prevention and mitigation website. Such website shall
10 serve as a comprehensive source to obtain information on preventing identity
11 theft and mitigating the impacts of identity theft;
- 12 6. To track and compile nationwide reported cases of identity theft;
- 13 7. To request from appropriate government departments and agencies, such
14 assistance and data as will enable the Office to carry out its duties; and
- 15 8. To render to the President of the Philippines and to the Congress, on or before
16 September first of each year, a written report on the Office's activities.

17 SECTION 4. *Investigations.* – The Identity Theft Prevention and Mitigation
18 Office may conduct investigations and may request in writing the production of
19 documents and records as part of its investigation.

- 20 1. If the person upon whom a request for documents and records was made fails
21 to produce the documents or records within thirty (30) days after the date of
22 the request, the Office may issue and serve subpoenas to compel the
23 production of such documents and records.
- 24 2. If any person refuses to comply with a subpoena issued under this section, the
25 Office may petition a court of competent jurisdiction to enforce the subpoena
26 and such sanctions as the court may direct.

27 SECTION 5. *Appropriations.* – The funds needed for the initial implementation
28 of this Act shall be charged against the appropriations of the Department of Justice.

1 Thereafter, such amount as may be necessary for its full implementation shall be included
2 in the annual General Appropriations Act as a distinct and separate item.

3 SECTION 6. *Separability Clause.* – If any provision or part hereof, is held invalid
4 or unconstitutional, the remainder of the Act or the provision not otherwise affected shall
5 remain valid and subsisting.

6
7 SECTION 7. *Repealing Clause.* – Any law, presidential decree or issuance,
8 executive order, letter of instruction, administrative order, rule or regulation contrary to,
9 or inconsistent with the provisions of this Act is hereby repealed, modified or amended
10 accordingly.

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12 SECTION 8. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
13 after its publication in at least two (2) newspapers of general circulation.

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15 Approved,

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