

Bob Aaron bob@aaron.ca

November 9 2002 Common sense can help protect your identity

When we talk about theft, we usually think in terms of money or possessions - as in theft of a wallet, a car, a television, or other personal property. But one thing that can be stolen much more easily than a car or a television is your name and identity.

In fact, identity fraud is a major growth industry in Canada, despite the fact that it is, of course, illegal. It has become a significant concern not only to police across the country, but to the hapless individuals who have had their identities stolen - some without even knowing it.

Dante Lettieri was one of these unlucky people. In the late fall of 2000, Isabel Simoes listed her family home at 2016 Mississauga Rd. for sale with a local real estate agent. Just before Christmas, a prospective purchaser called the agent, giving his name as Dante Lettieri. He arranged for a mortgage appraiser to visit the house to conduct a valuation, but no purchase offer ever materialized.

About a month later, title to the house was mysteriously transferred to Dante Lettieri. The deed to him appeared to have been signed in January, 2001, not only by Isabel Simoes, but by her husband Laurenio, who had died in Portugal four months earlier. In addition to the fraudulent deed, a forged discharge of the Maple Trust mortgage was also registered (see *Fraudulent title transfer takes costly toll*, Title Page, April 13, 2002, at http://aaron.ca/columns/2002-04-13.htm)

The real Dante Lettieri did not know that someone impersonating him met later with a Toronto lawyer in Rome, Italy, to sign mortgage documents. For identification, he presented the lawyer with a bogus Ontario driver s licence showing his "name" and photograph.

Not long afterward, the man posing as Lettieri walked out of the lawyer's office with \$851,000 in proceeds from two forged mortgages, leaving the real Dante Lettieri to face a lawsuit when the scheme came undone. It cost Stewart Title more than \$851,000 to put the pieces back together again.

When the real Dante Lettieri got served with a lawsuit, it took considerable time and effort to prove that a fraud had been committed in his name without his knowledge or participation. Eventually he was released from the lawsuit.

Lettieri did not know - and, until recently, neither did I - that as long ago as June, 1997, Ontario s information and privacy commissioner, Ann Cavoukian, had written an excellent paper warning the public about the dangers of impersonation. Entitled "Identity Theft: Who s Using Your Name?", the paper appears on the privacy commissioner s web site, at http://ipc.on.ca/english/pubpres/papers/ident-e.htm

The paper looks at what identity theft is, how it occurs, why people should be concerned, and what consumers can do to minimize their chances of being victimized. It also explores technological ways of protecting personal information.

Identity theft involves acquiring key pieces of someone's identifying information in order to impersonate them and commit various crimes in that person's name. Besides basic information like name, address and telephone number, identity thieves look for social insurance numbers, driver's license numbers, credit card and bank account numbers, as well as bank cards, telephone calling cards, birth certificates or passports. This information enables the identity thief to commit numerous forms of fraud: to go on spending sprees under the victim's name, to take over the victim's financial accounts, open new accounts, divert the victim's financial mail to the thief's address, apply for loans, credit cards, social benefits, rent apartments, establish services with utility companies, and more.

It s not that difficult to do. Fraudsters lurk around teller machines, steal mail, induce victims to reveal their credit card numbers, or use computers to steal personal information from the target.

In her paper on identity theft, Cavoukian presents a number of low-tech and high tech methods to protect yourself from this type of fraud. Many of these methods are common sense - protect identity documents, credit information and bank records, shred sensitive mail, carry few identity and credit cards, report lost cards immediately, don t give credit card numbers over the phone unless you have initiated the call, and never give out your credit card numbers on a cell phone call.

High tech protection methods involve digital signatures, data encryption, anonymous payment systems like Digi-Cash, and other privacy-enhancing technologies, known as PETs.

Always be wary - the most valuable asset you own may well be your name, and it can be stolen very easily. Just ask Dante Lettieri.

Bob Aaron is a Toronto real estate lawyer. He can be reached by e-mail at bob@aaron.ca, call 416-364-9366, or fax 416 364-3818.

Bob Aaron is a Toronto real estate lawyer. www.aaron.ca @Aaron & Aaron. All Rights Reserved.