ID THEFT

When Bad Things Happen To Your Good Name

Federal Trade Commission
February 2001

LISTEN TO THESE CONSUMERS . . .

Someone used my Social Security number to get credit in my name. This has caused a lot of problems. I have been turned down for jobs, credit, and refinancing offers. This is stressful and embarrassing. I want to open my own business, but it may be impossible with this unresolved problem hanging over my head.

From a consumer complaint to the FTC, May 18, 1999

Someone is using my name and Social Security number to open credit card accounts. All the accounts are in collections. I had no idea this was happening until I applied for a mortgage. Because these "bad" accounts showed up on my credit report, I didn't get the mortgage.

From a consumer complaint to the FTC, July 13, 1999

Help! Someone is using my Social Security number to get a job.

From a consumer complaint to the FTC, September 20, 1999

My elderly parents are victims of credit fraud. We don't know what to do. Someone applied for credit cards in their name and charged nearly $20,000. Two of the card companies have cleared my parents's name, but the third has turned the account over to a collection agency. The agency doesn't believe Mom and Dad didn't authorize the account. What can we do to stop the debt collector?

From a consumer complaint to the FTC, October 7, 1999

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Introduction

In the course of a busy day, you may write a check at the grocery store, charge tickets to a ball game, rent a car, mail your tax returns, call home on your cell phone, order new checks or apply for a credit card. Chances are you don't give these everyday transactions a second thought. But someone else may.

The 1990's spawned a new variety of crooks called identity thieves. Their stock in trade are your everyday transactions. Each transaction requires you to share personal information: your bank and credit card account numbers; your income; your Social Security number (SSN); and your name, address and phone numbers. An identity thief co-opts some piece of your personal information and appropriates it without your knowledge to commit fraud or theft. An all-too-common example is when an identity thief uses your personal information to open a credit card account in your name.

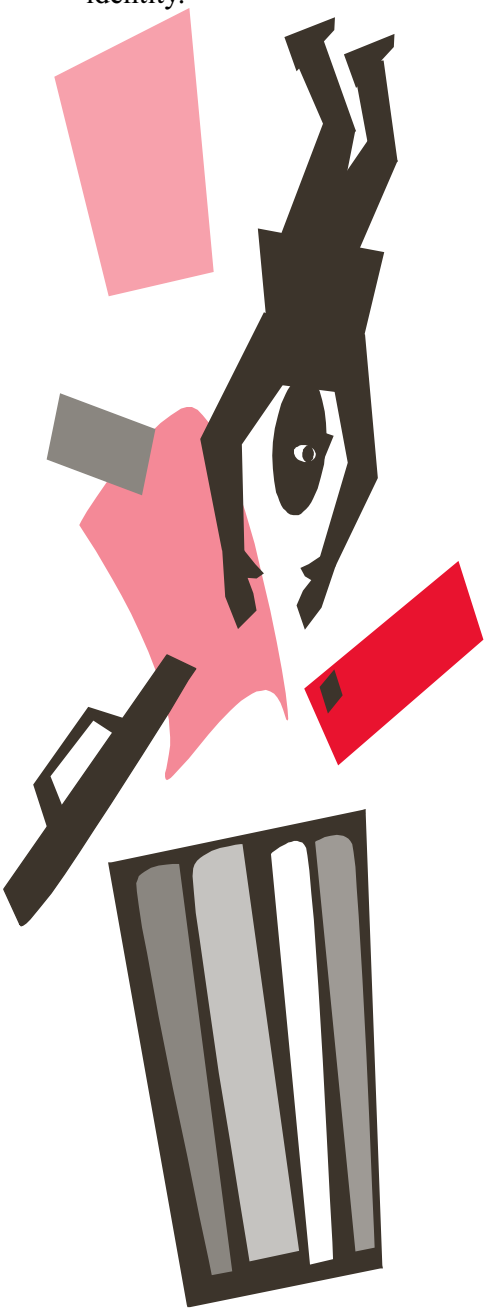
Can you completely prevent identity theft from occurring? Probably not, especially if someone is determined to commit the crime. But you can minimize your risk by managing your personal information wisely, cautiously and with heightened sensitivity.

The Congress of the United States asked the Federal Trade Commission to provide information to consumers about identity theft and to take complaints from those whose identities have been stolen. If you've been a victim of identity theft, you can call the FTC's Identity Theft Hotline toll-free at 1-877-IDTHEFT (438-4338). The FTC puts your information into a secure consumer fraud database and may, in appropriate instances, share it with other law enforcement agencies and private entities, including any companies about which you may complain.

The FTC, working in conjunction with other government agencies, has produced this booklet to help you guard against and recover from identity theft.

How Identity Theft Occurs

Despite your best efforts to manage the flow of your personal information or to keep it to yourself, skilled identity thieves may use a variety of methods – low- and hi-tech – to gain access to your data. Here are some of the ways imposters can get your personal information and take over your identity.



How identity thieves get your personal information:

They steal wallets and purses containing your identification and credit and bank cards.

They steal your mail, including your bank and credit card statements, pre-approved credit offers, telephone calling cards and tax information.

They complete a "change of address form" to divert your mail to another location.

They rummage through your trash, or the trash of businesses, for personal data in a practice known as "dumpster diving."

They fraudulently obtain your credit report by posing as a landlord, employer or someone else who may have a legitimate need for – and a legal right to – the information.

They get your business or personnel records at work.

They find personal information in your home.

They use personal information you share on the Internet.

They buy your personal information from "inside" sources. For example, an identity thief may pay a store employee for information about you that appears on an application for goods, services or credit.

How identity thieves use your personal information:

They call your credit card issuer and, pretending to be you, ask to change the mailing address on your credit card account. The imposter then runs up charges on your account. Because your bills are being sent to the new address, it may take some time before you realize there's a problem.

They open a new credit card account, using your name, date of birth and SSN. When they use the credit card and don't pay the bills, the delinquent account is reported on your credit report.

They establish phone or wireless service in your name.

They open a bank account in your name and write bad checks on that account.

They file for bankruptcy under your name to avoid paying debts they've incurred under your name, or to avoid eviction.

They counterfeit checks or debit cards, and drain your bank account.

They buy cars by taking out auto loans in your name.

Minimize Your Risk

While you probably can't prevent identity theft entirely, you can minimize your risk. By managing your personal information wisely, cautiously and with an awareness of the issue, you can help guard against identity theft:

- Before you reveal any personally identifying information, find out how it will be used and whether it will be shared with others. Ask if you have a choice about the use of your information: can you choose to have it kept confidential?

- Pay attention to your billing cycles. Follow up with creditors if your bills don't arrive on time. A missing credit card bill could mean an identity thief has taken over your credit card account and changed your billing address to cover his tracks.

- Guard your mail from theft. Deposit outgoing mail in post office collection boxes or at your local post office. Promptly remove mail from your mailbox after it has been delivered. If you're planning to be away from home and can't pick up your mail, call the U.S. Postal Service at 1-800-275-8777 to request a vacation hold. The Postal Service will hold your mail at your local post office until you can pick it up.

- Put passwords on your credit card, bank and phone accounts. Avoid using easily available information like your mother's maiden name, your birth date, the last four digits of your SSN or your phone number, or a series of consecutive numbers.

- Minimize the identification information and the number of cards you carry to what you'll actually need.

- Do not give out personal information on the phone, through the mail or over the Internet unless you have initiated the contact or know who you're dealing with. Identity thieves may pose as representatives of banks, Internet service providers and even government agencies to get you to reveal your SSN, mother's maiden name, financial account numbers and other identifying information. Legitimate organizations with whom you do business have the information they need and will not ask you for it.

- Keep items with personal information in a safe place. To thwart an identity thief who may pick through your trash or recycling bins to capture your personal information, tear or shred your charge receipts, copies of credit applications, insurance forms, physician statements, bank checks and statements that you are discarding, expired charge cards and credit offers you get in the mail.

- Be cautious about where you leave personal information in

A SPECIAL WORD ABOUT SOCIAL SECURITY NUMBERS

Your employer and financial institution will likely need your SSN for wage and tax reporting purposes. Other private businesses may ask you for your SSN to do a credit check, such as when you apply for a car loan. Sometimes, however, they simply want your SSN for general record keeping. You don't have to give a business your SSN just because they ask for it. If someone asks for your SSN, ask the following questions:

- Why do you need my SSN?
- How will my SSN be used?
- What law requires me to give you my SSN?
- What will happen if I don't give you my SSN?

Sometimes a business may not provide you with the service or benefit you're seeking if you don't provide your SSN. Getting answers to these questions will help you decide whether you want to share your SSN with the business. Remember, though, that the decision is yours.

CREDIT BUREAUS

Equifax – www.equifax.com
To order your report, call: 800-685-1111 or write:
P.O. Box 740241, Atlanta, GA 30374-0241
To report fraud, call: 800-525-6285 and write:
P.O. Box 740241, Atlanta, GA 30374-0241

Experian – www.experian.com
To order your report, call: 888-EXPERIAN (397-3742) or write: P.O. Box 949, Allen TX 75013-0949
To report fraud, call: 888-EXPERIAN (397-3742) and write:
P.O. Box 949, Allen TX 75013-0949

Trans Union – www.tuc.com
To order your report, call: 800-916-8800 or write:
P.O. Box 1000, Chester, PA 19022
To report fraud, call: 800-680-7289 and write:
Fraud Victim Assistance Division, P.O. Box 6790, Fullerton, CA 92634

your home, especially if you have roommates, employ outside help or are having service work done in your home.

- Find out who has access to your personal information at work and verify that the records are kept in a secure location.
- Give your SSN only when absolutely necessary. Ask to use other types of identifiers when possible.
- Don't carry your SSN card; leave it in a secure place.
- Order a copy of your credit report from each of the three major credit reporting agencies every year. Make sure it is accurate and includes only those activities you've authorized. The law allows credit bureaus to charge you up to $8.50 for a copy of your credit report.

Your credit report contains information on where you work and live, the credit accounts that have been opened in your name, how you pay your bills and whether you've been sued, arrested or filed for bankruptcy. Checking your report on a regular basis can help you catch mistakes and fraud before they wreak havoc on your personal finances. See "Credit Reports" on page 14 for details about removing fraudulent and inaccurate information from your credit report.

Choosing to Share Your Personal Information – or Not

What happens to the personal information you provide to companies, marketers and government agencies? They may use your information just to process your order. They may use it to create a profile about you and then let you know about products, services or promotions. Or they may share your information with others. More organizations are offering consumers choices about how their personal information is used. For example, many let you "opt out" of having your information shared with others or used for promotional purposes.

You can learn more about the choices you have to protect your personal information from credit bureaus, state Departments of Motor Vehicles and direct marketers.

Credit Bureaus

Pre-Screened Credit Offers

If you receive pre-screened credit card offers in the mail (namely, those based upon your credit data), but don't tear them up after you decide you don't want to accept the offer, identity thieves may retrieve the offers for their own use without your knowledge.

To opt out of receiving pre-screened credit card offers, call: 1-888-5-OPTOUT (1-888-567-8688). The three major credit bureaus use the same toll-free number to let consumers choose not to receive pre-screened credit offers.

Marketing Lists

Of the three major credit bureaus, only Experian offers consumers the opportunity to have their names removed from lists that are used for marketing and promotional purposes. To have your name removed from Experian's marketing lists, call 1-800-407-1088.

Departments of Motor Vehicles

Take a look at your driver's license. All the personal information on it – and more – is on file with your state Department of Motor Vehicles (DMV). A state DMV may distribute your personal information for law enforcement, driver safety or insurance underwriting purposes, but you may have the right to choose not to have the DMV distribute your personal information for other purposes, including for direct marketing.

Not every DMV distributes personal information for direct marketing or other purposes. You may be able to opt out if your state DMV distributes personal information for these purposes. Contact your state DMV for more information.

Direct Marketers

The Direct Marketing Association's (DMA) Mail, E-mail and Telephone Preference Services allow consumers to opt out of direct mail marketing, e-mail marketing and/or telemarketing solicitations from many national companies. Because your name will not be on their lists, it also means that these companies can't rent or sell your name to other companies.

To remove your name from many national direct mail lists, write:

DMA Mail Preference Service
P.O. Box 9008
Farmingdale, NY 11735-9008

To remove your e-mail address from many national direct e-mail lists, visit **www.e-mps.org**

To avoid unwanted phone calls from many national marketers, send your name, address, and telephone number to:

DMA Telephone
Preference Service
P.O. Box 9014
Farmingdale, NY 11735-9014

For more information, visit **www.the-dma.org**

If You're a Victim

Sometimes an identity thief can strike even if you've been very careful about keeping your personal information to yourself. If you suspect that your personal information has been hijacked and misappropriated to commit fraud or theft, take action immediately, and keep a record of your conversations and correspondence. You may want to use the form on page 10. Exactly which steps you should take to protect yourself depends on your circumstances and how your identity has been misused. However, three basic actions are appropriate in almost every case.

Your First Three Steps

First, contact the fraud departments of each of the three major credit bureaus.

Tell them that you're an identity theft victim. Request that a "fraud alert" be placed in your file, as well as a victim's statement asking that creditors call you before opening any new accounts or changing your existing accounts. This can help prevent an identity thief from opening additional accounts in your name.

At the same time, order copies of your credit reports from the credit bureaus. Credit bureaus must give you a free copy of your report if your report is inaccurate because of fraud, and you request it in writing. Review your reports carefully to make sure no additional fraudulent accounts have been opened in your name or unauthorized changes made to your existing accounts. Also, check the section of your report

that lists "inquiries." Where "inquiries" appear from the company(ies) that opened the fraudulent account(s), request that these "inquiries" be removed from your report. (See "Credit Reports" on page 14 for more information.) In a few months, order new copies of your reports to verify your corrections and changes, and to make sure no new fraudulent activity has occurred.

Second, contact the creditors for any accounts that have been tampered with or opened fraudulently.

Creditors can include credit card companies, phone companies and other utilities, and banks and other lenders. Ask to speak with someone in the security or fraud department of each creditor, and follow up with a letter. It's particularly important to notify credit card companies in writing because that's the consumer protection procedure the law spells out for resolving errors on credit card billing statements. Immediately close accounts that have been tampered with and open new ones with new Personal Identification Numbers (PINs) and passwords. Here again, avoid using easily available information like your mother's maiden name, your birth date, the last four digits of your SSN or your phone number, or a series of consecutive numbers.

Third, file a report with your local police or the police in the community where the identity theft took place.

Get a copy of the police report in case the bank, credit card company or others need proof of the crime. Even if the police can't catch the identity thief in your case, having a copy of the police report can help you when dealing with creditors.

Your Next Steps

Although there's no question that identity thieves can wreak havoc on your personal finances, there are some things you can do to take control of the situation. For example:

- **Stolen mail.** If an identity thief has stolen your mail to get new credit cards, bank and credit card statements, prescreened credit offers or tax information, or if an identity thief has falsified change-of-address forms, that's a crime. Report it to your local postal inspector. Contact your local post office for the phone number for the nearest postal inspection service office or check the Postal Service web site at **www.usps.gov/websites/depart/inspect**

- **Change of address on credit card accounts.** If you discover that an identity thief has changed the billing address on an existing credit card account, close the account. When you open a new account, ask that a password be used before any inquiries or changes can be made on the account. Avoid using easily available information like your mother's maiden name, your birth date, the last four digits of your SSN or your phone number, or a series of consecutive numbers. Avoid using the same information and numbers when you create a PIN.

- **Bank accounts.** If you have reason to believe that an identity thief has tampered with your bank accounts, checks or ATM card, close the accounts immediately. When you open new accounts, insist on password-only access to minimize the chance that an identity thief can violate the accounts.

  In addition, if your checks have been stolen or misused, stop payment. Also contact the major check verification companies to request that they notify retailers using their databases not to accept these checks, or ask your bank to notify the check verification service with which it does business.

  National Check Fraud Service: 1-843-571-2143
  SCAN: 1-800-262-7771
  TeleCheck: 1-800-710-9898 or 927-0188
  CrossCheck: 1-707-586-0551
  Equifax Check Systems: 1-800-437-5120
  International Check Services: 1-800-526-5380

  If your ATM card has been lost, stolen or otherwise compromised, cancel the card as soon as you can and get another with a new PIN.

- **Investments.** If you believe that an identity thief has

tampered with your securities investments or a brokerage account, immediately report it to your broker or account manager and to the Securities and Exchange Commission.

- **Phone service.** If an identity thief has established new phone service in your name; is making unauthorized calls that seem to come from – and are billed to – your cellular phone; or is using your calling card and PIN, contact your service provider immediately to cancel the account and/or calling card. Open new accounts and choose new PINs.

  If you are having trouble getting fraudulent phone charges removed from your account, contact your state Public Utility Commission for local service providers or the Federal Communications Commission for long-distance service providers and cellular providers at **www.fcc.gov/ccb/enforce/complaints.html** or 1-888-CALL-FCC.

- **Employment.** If you believe someone is using your SSN to apply for a job or to work, that's a crime. Report it to the SSA's Fraud Hotline at 1-800-269-0271. Also call SSA at 1-800-772-1213 to verify the accuracy of the earnings reported on your SSN, and to request a copy of your *Social Security Statement.* Follow up your calls in writing.

- **Driver's license.** If you suspect that your name or SSN is being used by an identity thief to get a driver's license or a non-driver's ID card, contact your Department of Motor Vehicles. If your state uses your SSN as your driver's license number, ask to substitute another number.

- **Bankruptcy.** If you believe someone has filed for bankruptcy using your name, write to the U.S. Trustee in the Region where the bankruptcy was filed. A listing of the U.S. Trustee Program's Regions can be found at **www.usdoj.gov/ust**, or look in the Blue Pages of your phone book under U.S. Government – Bankruptcy Administration.

  Your letter should describe the situation and provide proof of your identity. The U.S. Trustee, if appropriate, will make a referral to criminal law enforcement authorities if you provide appropriate documentation to substantiate your claim. You also may want to file a complaint with the U.S. Attorney and/or the FBI in the city where the bankruptcy was filed.

- **Criminal records/arrests.** In rare instances, an identity thief may create a criminal record under your name. For example, your imposter may give your name when being arrested. If this happens to you, you may need to hire an attorney to help resolve the problem. The procedures for clearing your name vary by jurisdiction.

SHOULD I APPLY FOR A NEW SOCIAL SECURITY NUMBER?

Under certain circumstances, SSA may assign you a new SSN – at your request – if, after trying to resolve the problems brought on by identity theft, you continue to experience problems. Consider this option carefully. A new SSN may not resolve your identity theft problems, and may actually create new problems. For example, a new SSN does not necessarily ensure a new credit record because credit bureaus may combine the credit records from your old SSN with those from your new SSN. Even when the old credit information is not associated with your new SSN, the absence of any credit history under your new SSN may make it more difficult for you to get credit. And finally, there's no guarantee that a new SSN wouldn't also be misused by an identity thief.

Chart Your Course of Action

Use this form to record the steps you've taken to report the fraudulent use of your identity. Keep this list in a safe place for reference.

Credit Bureaus — Report Fraud

Bureau	Phone Number	Date Contacted	Contact Person	Comments
Equifax	1-800-525-6285			
Experian	1-888-397-3742			
Trans Union	1-800-680-7289			

Banks, Credit Card Issuers and Other Creditors (Contact each creditor promptly to protect your legal rights.)

Creditor	Address and Phone Number	Date Contacted	Contact Person	Comments

Law Enforcement Authorities — Report Identity Theft

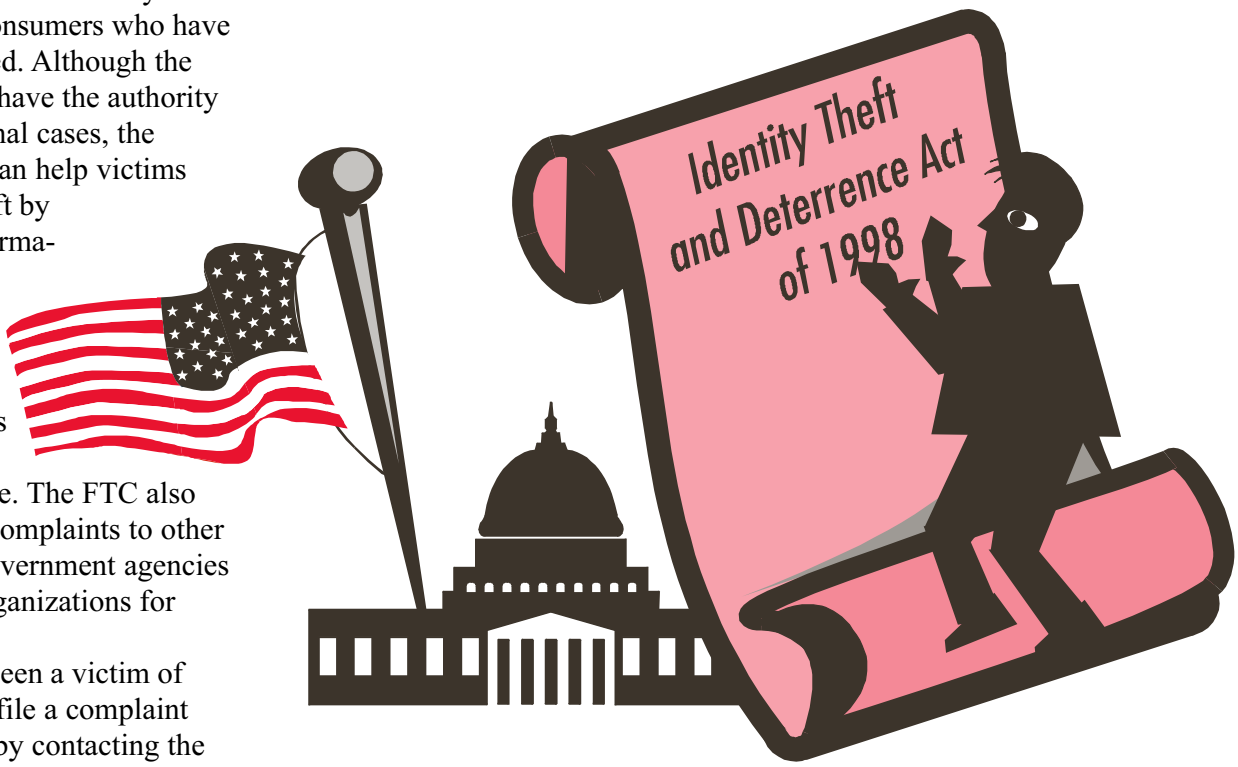
Agency/Dept.	Phone Number	Date Contacted	Contact Person	Report Number	Comments
Federal Trade Commission	1-877-IDTHEFT				
Local Police Department					

Where There's Help...

The FTC collects complaints about identity theft from consumers who have been victimized. Although the FTC does not have the authority to bring criminal cases, the Commission can help victims of identity theft by providing information to assist them in resolving the financial and other problems that can result from this crime. The FTC also refers victim complaints to other appropriate government agencies and private organizations for further action.

If you've been a victim of identity theft, file a complaint with the FTC by contacting the FTC's Identity Theft Hotline by telephone: toll-free 1-877-IDTHEFT (438-4338); TDD: 202-326-2502; by mail: Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580; or online: **www.consumer.gov/idtheft**

Other agencies and organizations also are working to combat identity theft. If specific institutions and companies are not being responsive to your questions and complaints, you also may want to contact the government agencies with jurisdiction over those companies. They are listed in the Resources section of this booklet on page 19.



Federal Laws

The Federal government and numerous states have passed

Identity Theft and Assumption Deterrence Act of 1998

The Identity Theft and Assumption Deterrence Act makes it a federal crime when someone:

> *"knowingly transfers or uses, without lawful authority, a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a violation of federal law, or that constitutes a felony under any applicable state or local law."*

Note that under the Act, a name or SSN is considered a "means of identification." So is a credit card number, cellular telephone electronic serial number or any other piece of information that may be used alone or in conjunction with other information to identify a specific individual.

laws that address the problem of identity theft.

The Identity Theft and Assumption Deterrence Act, enacted by Congress in October 1998 (and codified, in part, at 18 U.S.C. §1028) is the federal law directed at identity theft. (See box on page 11.)

Violations of the Act are investigated by federal law enforcement agencies, including the U.S. Secret Service, the FBI, the U.S. Postal Inspection Service and SSA's Office of the Inspector General. Federal identity theft cases are prosecuted by the U.S. Department of Justice.

In most instances, a conviction for identity theft carries a maximum penalty of 15 years imprisonment, a fine and forfeiture of any personal property used or intended to be used to commit the crime. The Act also directs the U.S. Sentencing Commission to review and amend the federal sentencing guidelines to provide appropriate penalties for those persons convicted of identity theft.

Schemes to commit identity theft or fraud also may involve violations of other statutes, such as credit card fraud; computer fraud; mail fraud; wire fraud; financial institution fraud; or Social Security fraud. Each of these federal offenses is a felony and carries substantial penalties – in some cases, as high as 30 years in prison, fines and criminal forfeiture.

State Laws

Many states have passed laws related to identity theft; others may be considering such legislation. Where specific identity theft laws do not exist, the practices may be prohibited under other laws. Contact your State Attorney General's office or local consumer protection agency to find out whether your state has laws related to identity theft, or visit **www.consumer.gov/idtheft**

State laws that had been enacted at the time of this booklet's publication are listed below.

Alaska
2000 Alaska Sess. Laws 65

Arizona
Ariz. Rev. Stat. § 13-2008

Arkansas
Ark. Code Ann. § 5-37-227

California
Cal. Penal Code § 530.5

Colorado
2000 Colo. Legis. Serv. ch. 159 (May 19, 2000)

Connecticut
1999 Conn. Acts 99

Delaware
72 Del. Laws 297 (2000)

Florida
Fla. Stat. Ann. § 817.568

Georgia
Ga. Code Ann. §§ 16-9-121

Idaho
Idaho Code § 18-3126

Illinois
720 ILCS 5/16G

Indiana
Ind. Code § 35-43-5-4 (2000)

Iowa
Iowa Code § 715A.8

Kansas
Kan. Stat. Ann. § 21-4108

Kentucky
Rev. Stat. Ann. § 160, ch. 514

Louisiana
La. Rev. Stat. Ann. § 67.16

Maine
Me. Rev. Stat. Ann. tit. 17-A, § 354-2A

Maryland
Md. Ann. Code art. 27 § 231

Massachusetts
Mass. Gen. Laws ch. 266 § 37E

Minnesota
Minn. Stat. Ann. § 609.527

Mississippi
Miss. Code Ann. § 97-19-85

Missouri
Mo. Rev. Stat. § 570.223

Nevada
Nev. Rev. Stat. § 205.465

New Hampshire
N.H. Rev. Stat. Ann. § 638:26

New Jersey
N.J. Stat. Ann. § 2C:21-17

North Carolina
N.C. Gen. Stat. § 14-113.20

North Dakota
N.D.C.C. § 12.1-23-11

Ohio
Ohio Rev. Code Ann. 2913.49

Oklahoma
Okla. Stat. tit. 21, § 1533.1

Oregon
Or. Rev. Stat. § 165.800

Pennsylvania
Pa. Cons. Stat. Ann. § 4120

Rhode Island
R.I. Gen. Laws § 11-49.1-1

South Carolina
S.C. Code Ann. § 16-13-500, 501

South Dakota
S.D. Codified Laws
§ 22-30A-3.1.

Tennessee
Tenn. Code Ann. § 39-14-150

Texas
Tex. Penal Code § 32.51

Utah
Utah Code Ann.
§ 76-6-1101-1104

Virginia
Va. Code Ann. § 18.2-186.3

Washington
Wash. Rev. Code § 9.35.020

West Virginia
W. Va. Code § 61-3-54

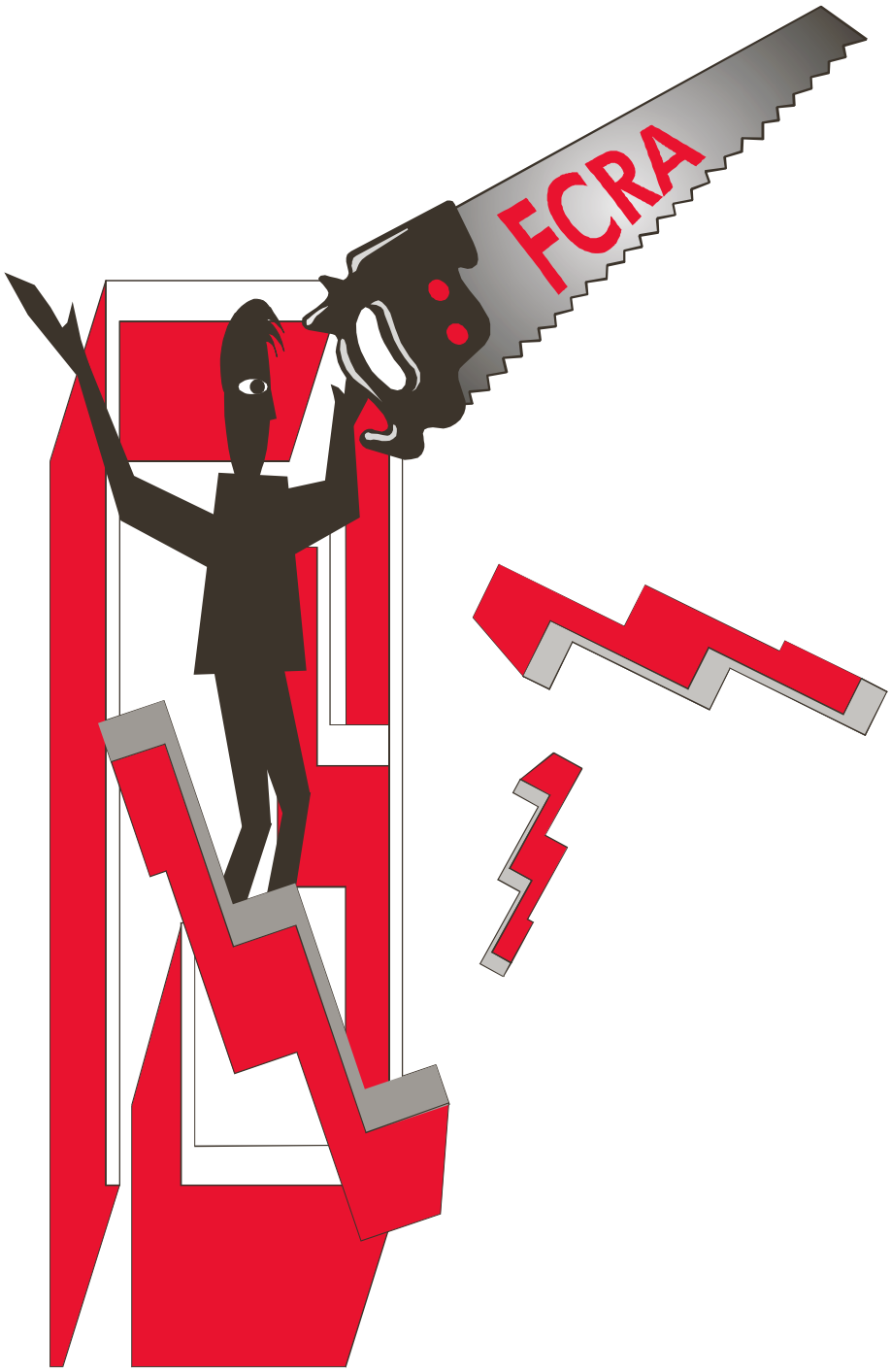
Wisconsin
Wis. Stat. § 943.201

Wyoming
Wyo. Stat. Ann. § 6-3-901

Resolving Credit Problems

Resolving credit problems resulting from identity theft can be time-consuming and frustrating. The good news is that there are federal laws that establish procedures for correcting credit report errors and billing errors, and for stopping debt collectors from contacting you about debts you don't owe.

Here is a brief summary of your rights, and what to do to clear up credit problems that result from identity theft.



Credit Reports

The Fair Credit Reporting Act (FCRA) establishes procedures for correcting mistakes on your credit record and requires that your record be made available only for certain legitimate business needs.

Under the FCRA, both the credit bureau and the organization that provided the information to the credit bureau (the "information provider"), such as a bank or credit card company, are responsible for correcting inaccurate or incomplete information in your report. To protect your rights under the law, contact both the credit bureau and the information provider.

First, call the credit bureau and follow up in writing. Tell them what information you believe is inaccurate. Include copies (NOT originals) of documents that support your position. In addition to providing your complete name and address, your letter should clearly identify each item in your report that you dispute, give the facts and explain why you dispute the

information, and request deletion or correction. You may want to enclose a copy of your report with circles around the items in question. Your letter may look something like the sample at right. Send your letter by certified mail, and request a return receipt so you can document what the credit bureau received and when. Keep copies of your dispute letter and enclosures.

Credit bureaus must investigate the items in question – usually within 30 days – unless they consider your dispute frivolous. They also must forward all relevant data you provide about the dispute to the information provider. After the information provider receives notice of a dispute from the credit bureau, it must investigate, review all relevant information provided by the credit bureau and report the results to the credit bureau. If the information provider finds the disputed information to be inaccurate, it must notify any nationwide credit bureau that it reports to so that the credit bureaus can correct this information in your file. Note that:

- Disputed information that cannot be verified must be deleted from your file.
- If your report contains erroneous information, the credit bureau must correct it.
- If an item is incomplete, the credit bureau must complete it. For example, if your file shows that you have been late making payments, but fails to show that you are no longer delinquent, the credit bureau must show that you're current.
- If your file shows an account that belongs to someone else, the credit bureau must delete it.

When the investigation is complete, the credit bureau must give you the written results and a free copy of your report if the dispute results in a change. If an item is changed or removed, the credit bureau cannot put the

SAMPLE DISPUTE LETTER — CREDIT BUREAU

Date

Your Name
Your Address
Your City, State, Zip Code

Complaint Department
Name of Credit Bureau
Address
City, State, Zip Code

Dear Sir or Madam:

I am writing to dispute the following information in my file. The items I dispute also are circled on the attached copy of the report I received. (Identify item(s) disputed by name of source, such as creditors or tax court, and identify type of item, such as credit account, judgment, etc.)

This item is (inaccurate or incomplete) because (describe what is inaccurate or incomplete and why). I am requesting that the item be deleted (or request another specific change) to correct the information.

Enclosed are copies of (use this sentence if applicable and describe any enclosed documentation, such as payment records, court documents) supporting my position. Please investigate this (these) matter(s) and (delete or correct) the disputed item(s) as soon as possible.

Sincerely,
Your name

Enclosures: (List what you are enclosing.)

disputed information back in your file unless the information provider verifies its accuracy and completeness, and the credit bureau gives you a written notice that includes the name, address and phone number of the information provider.

If you request, the credit bureau must send notices of corrections to anyone who received your report in the past six months. Job applicants can have a corrected copy of their report sent to anyone who received a copy during the past two years for employment purposes. If an investigation does not resolve your dispute, ask the credit bureau to include your statement of the dispute in your file and in future reports.

Second, in addition to writing to the credit bureau, tell the creditor or other information provider ***in writing*** that you dispute an item. Again, include copies (NOT originals) of documents that support your position. Many information providers specify an address for disputes. If the information provider then reports the item to any credit bureau, it must include a notice of your dispute. In addition, if you are correct – that is, if the disputed information is not accurate – the information provider may not use it again. For more information, consult *How to Dispute Credit Report Errors* and *Fair Credit Reporting*, two brochures available from the FTC or at **www.consumer.gov/idtheft**

SAMPLE DISPUTE LETTER — CREDIT CARD ISSUERS

Date

Your Name
Your Address
Your City, State, Zip Code
Your Account Number

Name of Creditor
Billing Inquiries
Address
City, State, Zip Code

Dear Sir or Madam:

I am writing to dispute a billing error in the amount of $_____on my account. The amount is inaccurate because (describe the problem). I am requesting that the error be corrected, that any finance and other charges related to the disputed amount be credited as well, and that I receive an accurate statement.

Enclosed are copies of (use this sentence to describe any enclosed information, such as sales slips, payment records) supporting my position. Please investigate this matter and correct the billing error as soon as possible.

Sincerely,

Your name

Enclosures: (List what you are enclosing.)

Credit Cards

The Truth in Lending Act limits your liability for unauthorized credit card charges in most cases to $50 per card. The Fair Credit Billing Act establishes procedures for resolving billing errors on your credit card accounts.

The Act's settlement procedures apply to disputes about "billing errors." This includes fraudulent charges on your accounts.

To take advantage of the law's consumer protections, you ***must***:

- write to the creditor at the address given for "billing inquiries," not the address for sending your payments. Include your name, address, account number and a description of the billing error, including the amount and date of the error. Your letter may look

something like the sample on page 16.

- send your letter so that it reaches the creditor within 60 days after the first bill containing the error was mailed to you. If the address on your account was changed by an identity thief and you never received the bill, your dispute letter still must reach the creditor within 60 days of when the creditor would have mailed the bill. This is why it's so important to keep track of your billing statements and immediately follow up when your bills don't arrive on time.

Send your letter by certified mail, and request a return receipt. This will be your proof of the date the creditor received the letter. Include copies (NOT originals) of sales slips or other documents that support your position. Keep a copy of your dispute letter.

The creditor must acknowledge your complaint in writing within 30 days after receiving it, unless the problem has been resolved. The creditor must resolve the dispute within two billing cycles (but not more than 90 days) after receiving your letter.

For more information, see *Fair Credit Billing* and *Avoiding Credit and Charge Card Fraud*, two brochures available from the FTC or at **www.consumer.gov/idtheft**

Debt Collectors

The Fair Debt Collection Practices Act prohibits debt collectors from using unfair or deceptive practices to collect overdue bills that a creditor has forwarded for collection.

You can stop a debt collector from contacting you by writing a letter to the collection agency telling them to stop. Once the debt collector receives your letter, the company may not contact you again – with two exceptions: they can tell you there will be no further contact and they can tell you that the debt collector or the creditor intends to take some specific action.

A collector also may not contact you if, within 30 days after you receive the written notice, you send the collection agency a letter stating you do not owe the money. Although such a letter should stop the debt collector's calls, it will not necessarily get rid of the debt itself, which may still turn up on your credit report. In addition, a collector can renew collection activities if you are sent proof of the debt. So, along with your letter stating you don't owe the money, include copies of documents that support your position. If you're a victim of identity theft, including a copy (NOT original) of the police report you filed may be particularly useful.

For more information, consult *Fair Debt Collection*, a brochure available from the FTC or at **www.consumer.gov/idtheft**

A SPECIAL WORD ABOUT LOST OR STOLEN CHECKS

While no federal law limits your losses if someone steals your checks and forges your signature, state laws protect you. Most states hold the bank responsible for losses from a forged check. At the same time, however, most states require you to take reasonable care of your account. For example, you may be held responsible for the forgery if you fail to notify the bank in a timely manner that a check was lost or stolen. Contact your state banking or consumer protection agency for more information.

ATM Cards, Debit Cards and Electronic Fund Transfers

The Electronic Fund Transfer Act provides consumer protections for transactions involving an ATM or debit card or other electronic way to debit or credit an account. It also limits your liability for unauthorized electronic fund transfers.

It's important to report lost or stolen ATM and debit cards immediately because the amount you can be held responsible for depends on ***how quickly*** you report the loss.

- If you report your ATM card lost or stolen within two business days of discovering the loss or theft, your losses are limited to $50.

- If you report your ATM card lost or stolen after the two business days, but within 60 days after a statement showing an unauthorized electronic fund transfer, you can be liable for up to $500 of what a thief withdraws.

- If you wait more than 60 days, you could lose ***all*** the money that was taken from your account after the end of the 60 days and before you report your card missing.

The best way to protect yourself in the event of an error or fraudulent transaction is to call the financial institution and follow up in writing – by certified letter, return receipt requested – so you can prove when the institution received your letter. Keep a copy of the letter you send for your records.

After notification about an error on your statement, the institution generally has 10 business days to investigate. The financial institution must tell you the results of its investigation within three business days after completing it and must correct an error within one business day after determining that the error has occurred. If the institution needs more time, it may take up to 45 days to complete the investigation – but only if the money in dispute is returned to your account and you are notified promptly of the credit. At the end of the investigation, if no error has been found, the institution may take the money back if it sends you a written explanation.

Note: VISA and MasterCard voluntarily have agreed to limit consumers' liability for unauthorized use of their debit cards in most instances to $50 per card, no matter how much time has elapsed since the discovery of the loss or theft of the card.

For more information, consult *Electronic Banking* and *Credit and ATM Cards: What to Do If They're Lost or Stolen*, two brochures available from the FTC or at **www.consumer.gov/idtheft**

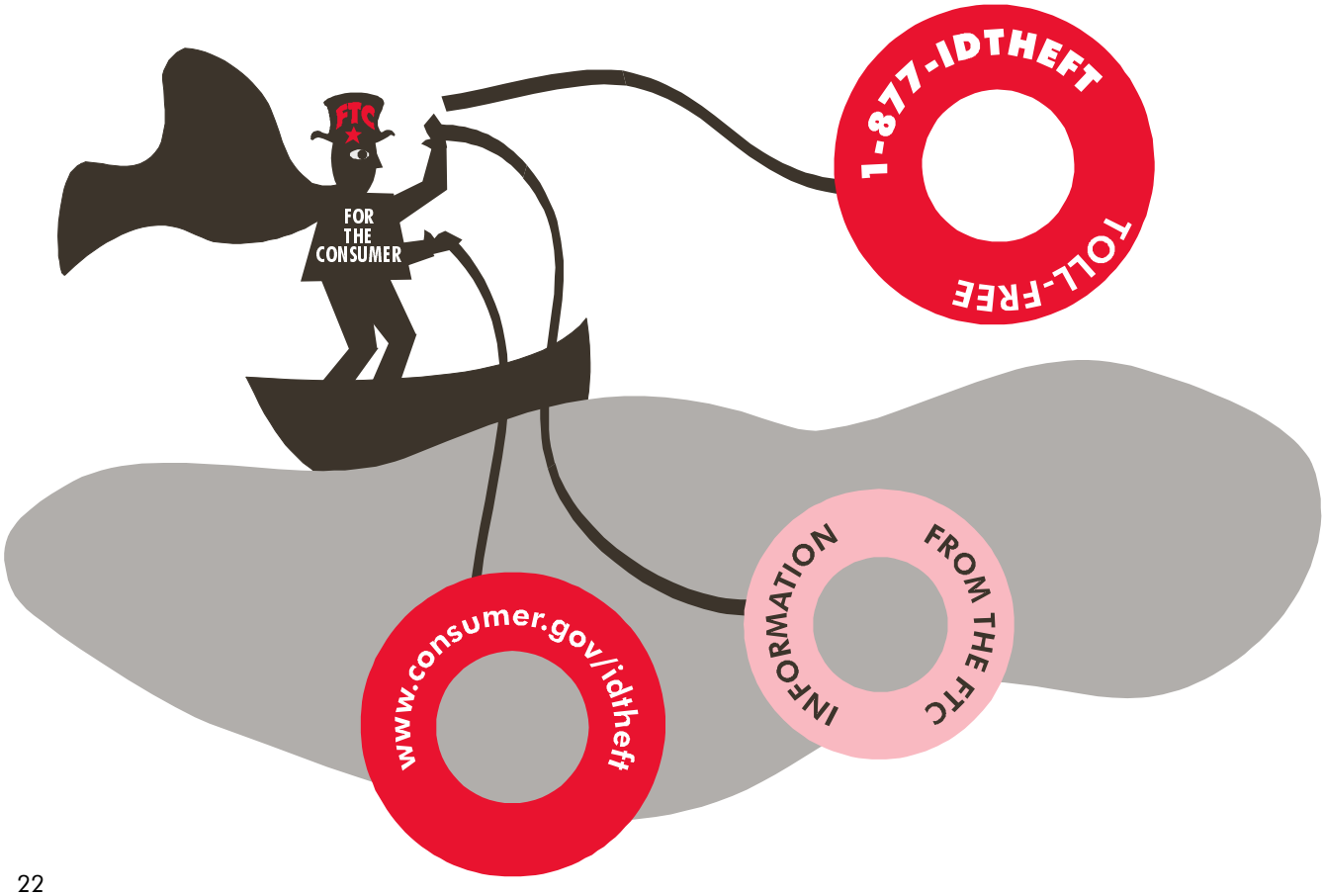
Resources

Federal Government

Federal Trade Commission (FTC) – www.ftc.gov
The FTC is the federal clearinghouse for complaints by victims of identity theft. Although the FTC does not have the authority to bring criminal cases, the Commission helps victims of identity theft by providing them with information to help resolve the financial and other problems that can result from identity theft. The FTC also may refer victim complaints to other appropriate government agencies and private organizations for action.

If you've been a victim of identity theft, file a complaint with the FTC by contacting the FTC's Identity Theft Hotline by telephone: toll-free 1-877-IDTHEFT (438-4338); TDD: 202-326-2502; by mail: Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580; or online: **www.consumer.gov/idtheft**

FTC publications:
- *Avoiding Credit and Charge Card Fraud*
- *Credit and ATM Cards: What to Do If They're Lost or Stolen*
- *Credit Card Loss Protection Offers: They're The Real Steal*
- *Electronic Banking*
- *Fair Credit Billing*
- *Fair Credit Reporting*
- *Fair Debt Collection*
- *Getting Purse-onal: What To Do If Your Wallet or Purse Is Stolen*
- *How to Dispute Credit Report Errors*
- *Identity Crisis... What to Do If Your Identity Is Stolen*
- *Identity Thieves Can Ruin Your Good Name: Tips for Avoiding Identity Theft*



Banking Agencies

If you're having trouble getting your financial institution to help you resolve your banking-related identity theft problems – including problems with bank-issued credit cards – contact the agency with the appropriate jurisdiction. If you're not sure which agency has jurisdiction over your institution, call your bank or visit **www.ffiec.gov/nic/default.htm**

Federal Deposit Insurance Corporation (FDIC) – www.fdic.gov
The FDIC supervises state-chartered banks that are not members of the Federal Reserve System and insures deposits at banks and savings and loans.

Call the FDIC Consumer Call Center at 1-800-934-3342; or write: Federal Deposit Insurance Corporation, Division of Compliance and Consumer Affairs, 550 17th Street, NW, Washington, DC 20429.

FDIC publications:

- *Classic Cons... And How to Counter Them* – **www.fdic.gov/consumers/consumer/news/cnsprg98/cons.html**
- *Pretext Calling and Identity Theft* – **www.fdic.gov/regulations/resources/fraud/Pretext.html**
- *Your Wallet: A Loser's Manual* – **www.fdic.gov/consumers/consumer/news/cnfall97/wallet.html**
- *A Crook Has Drained Your Account. Who Pays?* – **www.fdic.gov/consumers/consumer/news/cnsprg98/crook.html**

Federal Reserve System (Fed) – www.federalreserve.gov
The Fed supervises state-chartered banks that are members of the Federal Reserve System.

Call: 202-452-3693; or write: Division of Consumer and Community Affairs, Mail Stop 801, Federal Reserve Board, Washington, DC 20551; or contact the Federal Reserve Bank in your area. The 12 Reserve Banks are located in Boston, New York City, Philadelphia, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Minneapolis, Kansas City, Dallas and San Francisco.

National Credit Union Administration (NCUA) – www.ncua.gov
The NCUA charters and supervises federal credit unions and insures deposits at federal credit unions and many state credit unions.

Call: 703-518-6360; or write: Compliance Officer, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314.

Office of the Comptroller of the Currency (OCC) – www.occ.treas.gov
The OCC charters and supervises national banks. If the word "national" appears in the name of a bank, or the initials "N.A." follow its name, the OCC oversees its operations.

Call: 1-800-613-6743 (business days 9:00 a.m. to 4:00 p.m. CST); fax: 713-336-4301; or write: Customer Assistance Group, 1301 McKinney Street, Suite 3710, Houston, TX 77010.

OCC publications:

- *Check Fraud: A Guide to Avoiding Losses* – **www.occ.treas.gov/chckfrd/idassume.htm**

Office of Thrift Supervision (OTS) – www.ots.treas.gov
The OTS is the primary regulator of all federal and many state-chartered thrift institutions, which include savings banks and savings and loan institutions.

Call: 202-906-6000; or write: Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552.

Department of Justice (DOJ) – www.usdoj.gov
The DOJ and its U.S. Attorneys prosecute federal identity theft cases. Information on identity theft is available at **www.usdoj.gov/criminal/fraud/idtheft.html**

Federal Bureau of Investigation (FBI) – www.fbi.gov
The FBI is one of the federal criminal law enforcement agencies that investigates cases of identity theft. Local field offices are listed in the Blue Pages of your telephone directory.

FBI publications:

- *Protecting Yourself Against Identity Fraud* – **www.fbi.gov/contact/fo/norfolk/ident.htm**

Federal Communications Commission (FCC) – www.fcc.gov
The FCC regulates interstate and international communications by radio, television, wire, satellite and cable. The FCC's Consumer Information Bureau is the consumer's one-stop source for information, forms, applications and current issues before the FCC. Call: 1-888-CALL-FCC; TTY: 1-888-TELL-FCC; or write: Federal Communications Commission, Consumer Information Bureau, 445 12th Street, SW, Room 5A863, Washington, DC 20554. You can file complaints via the online complaint form at www.fcc.gov, or e-mail questions to fccinfo@fcc.gov.

Internal Revenue Service (IRS) – www.treas.gov/irs/ci
The IRS is responsible for administering and enforcing the internal revenue laws. If you believe someone has assumed your identity to file federal Income Tax Returns, or to commit other tax fraud, call toll-free: 1-800-829-0433. For assistance to victims of identity theft schemes who are having trouble filing their correct returns, call the IRS Taxpayer Advocates Office, toll-free: 1-877-777-4778.

U.S. Secret Service (USSS) – www.treas.gov/usss
The U.S. Secret Service is one of the federal law enforcement agencies that investigates financial crimes, which may include identity theft. Although the Secret Service generally investigates cases where the dollar loss is substantial, your information may provide evidence of a larger pattern of fraud requiring their involvement. Local field offices are listed in the Blue Pages of your telephone directory.

- Financial Crimes Division –
  www.treas.gov/usss/financial_crimes.htm
- Frequently Asked Questions: Protecting Yourself
  www.treas.gov/usss/faq.htm

Social Security Administration (SSA) – www.ssa.gov
SSA may assign you a new SSN – at your request – if you continue to experience problems even after trying to resolve the problems resulting from identity theft. SSA field office employees work closely with victims of identity theft and third parties to collect the evidence needed to assign a new SSN in these cases.

SSA Office of the Inspector General (SSA/OIG) – The SSA/OIG is one of the federal law enforcement agencies that investigates cases of identity theft.

Direct allegations that an SSN has been stolen or misused to the SSA Fraud Hotline. Call: 1-800-269-0271; fax: 410-597-0118; write: SSA Fraud Hotline, P.O. Box 17768, Baltimore, MD 21235; or e-mail: **oig.hotline@ssa.gov**

SSA publications:

- *SSA Fraud Hotline for Reporting Fraud* – **www.ssa.gov/oig/guidelin.htm**
- *Social Security – When Someone Misuses Your Number* (SSA Pub. No. 05-10064)
  www.ssa.gov/pubs/10064.html

- *Social Security – Your Number and Card* (SSA Pub. No. 05-10002)
  www.ssa.gov/pubs/10002.html

U.S. Postal Inspection Service (USPIS) – www.usps.gov/websites/depart/inspect
The USPIS is one of the federal law enforcement agencies that investigates cases of identity theft. USPIS is the law enforcement arm of the U.S. Postal Service. USPIS has primary jurisdiction in all matters infringing on the integrity of the U.S. mail. You can locate the USPIS district office nearest you by calling your local post office or checking the list at the web site above.

U.S. Securities and Exchange Commission (SEC) – www.sec.gov
The SEC's Office of Investor Education and Assistance serves investors who complain to the SEC about investment fraud or the mishandling of their investments by securities professionals. If you've experienced identity theft in connection with a securities transaction, write: SEC, 450 Fifth Street, NW, Washington, DC, 20549-0213. You also may call 202-942-7040 or send an e-mail to help@sec.gov.

U. S. Trustee (UST) – www.usdoj.gov/ust
If you believe someone has filed for bankruptcy using your name, write to the U.S. Trustee in the region where the bankruptcy was filed. A list of the U.S. Trustee's Regional Offices is available on the UST web site, or check the Blue Pages of your phone book under U.S. Government – Bankruptcy Administration. Your letter should describe the situation and provide proof of your identity. The U.S. Trustee, if appropriate, will make a criminal referral to criminal law enforcement authorities if you provide appropriate documentation to substantiate your claim. You also may want to file a complaint with the U.S. Attorney and/or the FBI in the city where the bankruptcy was filed.

The U.S. Trustee does not provide legal representation, legal advice or referrals to lawyers. That means you may need to hire an attorney to help convince the bankruptcy court that the filing is fraudulent. The U.S. Trustee does not provide consumers with copies of court documents. Those documents are available from the bankruptcy clerk's office for a fee.

State and Local Governments

Many states and local governments have passed laws related to identity theft; others may be considering such legislation. Where specific identity theft laws do not exist, the practices may be prohibited under other laws. Contact your State Attorney General's office (for a list of state offices, visit **www.naag.org**) or local consumer protection agency to find out whether your state has laws related to identity theft, or visit **www.consumer.gov/idtheft/**

Credit Bureaus

Equifax – www.equifax.com
To order your report, call: 1-800-685-1111 or write: P.O. Box 740241, Atlanta, GA 30374-0241
To report fraud, call: 1-800-525-6285 and write: P.O. Box 740241, Atlanta, GA 30374-0241

Experian – www.experian.com
To order your report, call: 1-888-EXPERIAN (397-3742) or write: P.O. Box 949, Allen TX 75013-0949
To report fraud, call: 1-888-EXPERIAN (397-3742) and write: P.O. Box 949, Allen TX 75013-0949

Trans Union – www.tuc.com
To order your report, call: 800-916-8800 or write: P.O. Box 1000, Chester, PA 19022. To report fraud, call: 1-800-680-7289 and write: Fraud Victim Assistance Division, P.O. Box 6790, Fullerton, CA 92634

Privacy Policy

When you contact us with complaints or requests for information, you can contact us by telephone, toll-free at 1-877-ID-THEFT (438-4338); by postal mail: Federal Trade Commission, Identity Theft Clearinghouse, 600 Pennsylvania Avenue, NW, Washington, DC 20580; or electronically via our online complaint form, located at **www.consumer.gov** Before you do, there are a few things you should know.

The material you submit may be seen by various people. We enter the information you send into our electronic database. This information is shared with our attorneys and investigators. It may also be shared with employees of various other federal, state, or local authorities who may use this data for regulatory or law enforcement purposes. We may also share some information with certain private entities, such as credit bureaus and any companies you may have complained about, where we believe that doing so might assist in resolving identity theft-related problems. You may be contacted by the FTC or any of the agencies or private entities to whom your complaint has been referred. In other limited circumstances, including requests from Congress, we may be required by law to disclose information you submit.

You have the option to submit your information anonymously. However, if you do not provide your name and contact information, law enforcement and other entities will not be able to contact you to obtain additional information to assist in identity theft investigations and prosecutions.

Toll-free 1.877.IDTHEFT

www.consumer.gov/idtheft