

# Form Letters

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**W**hat follows are various form letters that can be adapted to your own specific situation and used accordingly. It is prudent to send these letters by certified mail, return receipt requested, in order to have a record of exactly when your letter was both sent and received. Also included is a form developed by the FTC to guide and record your efforts to correct identity theft problems.

# Letter to Company with Which You Do Business That Has Not Been Tainted by Identity Theft

[Business Name]

[Address]

[City, State, ZIP Code]

Re: [Your Name]—Account Number \_\_\_\_\_

Dear Sir or Madam,

I am the victim of identity theft, and although the person using my identity without my authorization has not obtained access to my account with you, I am concerned about that possibility. Please contact me in order to arrange to have a password put on my account so that access to my account with you can be accomplished only through the use of my password.

I also request that a fraud alert be placed on my account, indicating that I have been the victim of identity theft and emphasizing that increased scrutiny should be used whenever you are contacted in regard to my account.

You may reach me by telephone at [your phone number] or at my e-mail address of [your e-mail address].

Thank you in advance for your assistance in this matter.

Sincerely,

[Your Name]

## Letter to Credit-Reporting Agency Reporting Identity Theft

[Credit Reporting Agency Name]

[Address]

[City, State, ZIP Code]

Re: [Your Name]—Social Security number \_\_\_\_\_

Dear Sir or Madam,

Please be advised that I am the victim of identity theft. Without my authorization an account was opened with [xyz] in my name or my account with [xyz] was improperly accessed [whichever applies].

Please immediately place a fraud alert on my account in accordance with FACTA.

You are also hereby notified that I am disputing the following items on my credit report: [describe disputed items].

Please forward to me a free copy of my credit report in accordance with the provisions of FACTA. When I have reviewed the credit report, I might contact you if there are any other fraudulent or otherwise inaccurate entries on my report.

Thank you in advance for your assistance in this matter.

I may be reached at [your phone number] or by e-mail at [your e-mail address].

Sincerely,

[Your Name]

# Fair Credit Billing Act Letter

[Business Name]  
Billing Inquiries Department  
[Address]  
[City, State, ZIP Code]  
Re: [Your Name]—Account Number \_\_\_\_\_

Dear Sir or Madam,

Please be advised that I am hereby disputing the billing error in the amount of \$\_\_\_\_\_ on my account. The amount is inaccurate because [give reason]. I request that this error be corrected immediately and that any corresponding finance and/or other charges relating to this disputed amount be properly credited. Please also forward to me a revised and corrected statement of my account reflecting the correction of this error.

I am enclosing copies of [describe copies of documents enclosed to support your claim] in support of my claim.

I may be reached by telephone at [your phone number] or by e-mail at [your e-mail address].

Thank you in advance for your cooperation.

Sincerely,  
[Your Name]

# Letter Requesting Removal of Credit Inquiry from Credit Report

[Name of Business]

[Address]

[City, State, ZIP Code]

Re: [Your Name]—Social Security Number \_\_\_\_\_

Unauthorized Credit Inquiry

Dear Sir or Madam,

Upon reviewing my credit report prepared by [name of credit-reporting agency], I found a credit inquiry by you indicated on my credit report that was not authorized by me. As I believe you understand, requesting my credit report and correspondingly having an inquiry noted on my report without my authorization is improper. Such an inquiry can also have a deleterious effect on my credit score. I therefore request that you promptly notify [name of credit-reporting agency] and have the credit inquiry removed. Please also forward to me confirmation that this has been done.

Thank you in advance for your cooperation.

You may contact me by telephone at [your phone number] or by e-mail at [your e-mail address].

Sincerely,

[Your Name]

# Letter Disputing Information Contained on Credit Report

Complaint Department  
Equifax  
P.O. Box 740241  
Atlanta, GA 30374

*or*

Complaint Department  
TransUnion  
P.O. Box 1000  
Chester, PA. 19022

*or*

Complaint Department  
Experian  
P.O. Box 2104  
Allen, TX 75013

Re: [Your Name]—Social Security number \_\_\_\_\_

Dear Sir or Madam,

I hereby dispute the following indicated information improperly contained in my credit report. I have highlighted the disputed items on a copy of my credit report that is included with this letter.

Specifically, these items are improper because [state each disputed item and the reasons why the information is erroneous, inaccurate, incomplete, or dated].

I am enclosing the following copies of documentation in support of my assertion: [list the specific documents enclosed; always send copies of documents, never originals].

In accordance with my rights under FACTA, I request that you investigate this matter promptly and correct my credit report accordingly.

Thank you in advance for your cooperation.

You may reach me by telephone at [your phone number] or at my e-mail address of [your e-mail address].

Sincerely,

[Your Name]

## Follow-Up Letter to Credit-Reporting Agency

Equifax

P.O. Box 740241

Atlanta, GA 30374

*or*

TransUnion

P.O. Box 1000

Chester, PA. 19022

*or*

Experian

P.O. Box 2104

Allen, TX 75013

Re: [Your Name]—Social Security number \_\_\_\_\_

Dispute Letter of [date of original letter]

Dear Sir or Madam,

On [date of original dispute letter] I sent you a letter notifying you of improper information appearing in my credit report in violation of FACTA. This letter was sent to you by certified mail, return receipt requested, and was received by you on [date of receipt]. I am enclosing a copy of my letter and a copy of the return receipt indicating receipt of said letter.

Your failure to respond to my demand for correction of my credit report within 30 days is a violation of FACTA. If I do not receive an appropriate response to my original demand letter within 10 days of the date of this letter, I may, without further notice, report your failure to abide by FACTA to the Federal Trade Commission or take other appropriate action.

You may reach me by mail or by telephone at [your phone number] or by e-mail at [your e-mail address].

Sincerely,

[Your Name]

# Opt-Out Letter

[Name of Company]

[Company Address]

[City, State, ZIP Code]

Re: Opt-Out Instructions for Account Number \_\_\_\_\_

Dear Sir or Madam,

Please be advised that, in accordance with the Financial Services Modernization Act (Gramm-Leach-Bliley Act), you are hereby notified that you do not have my permission to share my personal information with nonaffiliated third-party companies or individuals.

Please be advised that I am further notifying you, in accordance with FACTA, that you do not have my permission to share either my personal information or information about my creditworthiness with any affiliated company of yours.

Please send me a written confirmation that you are honoring my personal privacy request.

I may be reached by telephone at [your phone number] or by e-mail at [your e-mail address].

Thank you in advance for your cooperation.

Sincerely,

[Your Name]



## Letter to Bank to Close Account Following Identity Theft

[Name of Bank]

[Address]

[City, State, ZIP Code]

Re: [Your Name]—Account Number \_\_\_\_\_

Dear Sir or Madam,

I am writing to confirm my request made by telephone on [date of request to close account] in which I requested that my checking account be closed and no further access to said account be permitted except by me in person upon the presentation of conclusive personal identification. I have made this request because I have reason to believe that I am a victim of identity theft or am in great danger of becoming so.

Thank you in advance for your cooperation.

I may be contacted by telephone at [your phone number] or by e-mail at [your e-mail address].

Sincerely,

[Your Name]

# Letter to Check-Verification Company

[Name of Check-Verification Company]

[Address]

[City, State, ZIP Code]

Re: [Your Name]

Checking Account Number \_\_\_\_\_

Dear Sir or Madam,

I am the victim of identity theft. Therefore, I am hereby requesting that you not accept any checks from the above-designated account. I also request that you notify any retailers who may use your services not to accept any checks on my behalf with this account number.

Thank you in advance for your assistance.

You may contact me by telephone at [your phone number] or by e-mail at [your e-mail address].

Sincerely,

[Your Name]

## Letter Notifying Bank of Theft of ATM Card

[Name of Bank]

[Address]

[City, State, ZIP Code]

Re: [Your Name]

Account Number \_\_\_\_\_

Dear Sir or Madam,

I am writing to confirm my telephone conversation with [name of bank employee to whom you spoke when you first reported the loss of your ATM card] on [date of telephone conversation] in which I reported that my ATM card has been lost or stolen. As I indicated by telephone, please cancel the ATM card. I will personally come to the bank to obtain a replacement ATM card.

I may be reached by telephone at [your phone number] or by e-mail at [your e-mail address].

Sincerely,

[Your Name]

# Letter Requesting an Extended Fraud Alert

Fraud Alert

Equifax

P.O. Box 740241

Atlanta, GA 30374

*or*

Fraud Alert

TransUnion

P.O. Box 1000

Chester, PA 19022

*or*

Fraud Alert

Experian

P.O. Box 2104

Allen, TX 75013

Re: [Your Name]—Social Security number \_\_\_\_\_

Dear Sir or Madam,

Please be advised that I am the victim of identity theft. In accordance with FACTA, I hereby request that an extended fraud alert be placed on my credit report. In support of this request, as required by law, I am enclosing an identity theft report. Also in accordance with the provisions of FACTA, I hereby request that I be sent, at no charge, a copy of my credit report.

Thank you in advance for your assistance in this matter.

I may be reached by telephone at [your phone number] or by e-mail at [your e-mail address].

Sincerely,

[Your Name]

## Letter Requesting Blocking of Information

Equifax

P.O. Box 740241

Atlanta, GA 30374

*or*

TransUnion

P.O. Box 1000

Chester, PA 19022

*or*

Experian

P.O. Box 2104

Allen, TX 75013

Re: [Your Name]—Social Security number \_\_\_\_\_

Dear Sir or Madam,

Please be advised that I am the victim of identity theft, a result of which is the reporting of negative information on my credit report. In accordance with the provisions of FACTA, I hereby request that such negative information be blocked from my report. The specific information that I am requesting be blocked is as follows: [list negative information to be blocked from your credit report]. As required by FACTA and in support of my request, I am including a copy of my identity theft report filed with a law enforcement agency.

I also hereby request, in accordance with the provisions of FACTA, that you promptly notify the company or companies providing the false and negative information that the information provided by them is the result of an identity theft, an identity theft report has been filed, and an information block has been requested.

Thank you in advance for your assistance in this matter.

I may be reached by telephone at [your phone number] or by e-mail at [your e-mail address].

Sincerely,

[Your Name]

# Letter to Credit-Reporting Agencies Requesting Truncation of Social Security Number

Equifax  
P.O. Box 740241  
Atlanta, GA 30374

*or*

TransUnion  
P.O. Box 1000  
Chester, PA 19022

*or*

Experian  
P.O. Box 2104  
Allen, TX 75013

Re: [Your Name]—Social Security number \_\_\_\_\_

Dear Sir or Madam,

In accordance with the provisions of FACTA, I hereby request that my Social Security number be truncated wherever it appears on my credit report whenever my consumer credit report is sent out.

Thank you in advance for your assistance in this matter.

I may be reached by telephone at [your phone number] or by e-mail at [your e-mail address].

Sincerely,  
[Your Name]

## Letter Canceling a Credit Card

Customer Service Department

[Credit Card Company Name]

[Address]

[City, State, ZIP Code]

Re: [Your Name]

Cancellation of Account Number \_\_\_\_\_

Dear Sir or Madam,

I am writing to follow up on my telephone conversation with [insert name of person with whom you spoke], with whom I spoke by telephone on [insert date] at the time I canceled my credit card that is designated as account number [insert account number]. Please confirm in writing that the cancellation of the credit card has been completed and that the canceling of the card, as I requested, has been reported to the three major credit-reporting agencies as “closed at customer’s request.”

Thank you for your assistance in this matter.

You may reach me by telephone at [your phone number] or by e-mail at [your e-mail address].

Sincerely,

[Your Name]

## Second Letter Regarding Canceling of Credit Card

Customer Service Department

[Credit Card Company Name]

[Address]

[City, State, ZIP Code]

Re: [Your Name]

Cancellation of Account Number \_\_\_\_\_

Dear Sir or Madam,

I am writing to follow up on my letter to you of [insert date], a copy of which is enclosed herewith, in which I confirmed the canceling of my credit card and the closing of my account. At that time I also confirmed my previous request made by telephone on [insert date] that the closing of my account be reported to the three major credit-reporting agencies as being “closed at customer’s request.” I have recently reviewed my credit report and my account with you is not designated in that fashion. Please correct this immediately.

Thank you in advance for your assistance in this matter.

You may reach me by telephone at [your phone number] or by e-mail at [your e-mail address].

Sincerely,

[Your Name]



## Record of Identity Theft Communications

Use the following tables to record all communications undertaken to report and remedy identity theft.

### Credit Bureaus—Report Fraud

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

### Banks, Credit Card Issuers, and Other Creditors

Contact all your creditors ASAP. Contact each creditor whether or not your identity with that particular account has been compromised.

Creditor	Address and Phone Number	Date Contacted	Contact Person	Comments

## Law Enforcement Authorities—Report Identity Theft

Agency Department	Phone Number	Date Contacted	Contact Person	E-Mail	Method of Communication	Date of Response	Comments
Federal Trade Commission	1-877-IDTHEFT						
Local Police Department							
Post Office							
State Attorney General							

To make certain that you do not become responsible for the debts incurred by the identity thief, you must provide proof that you didn't create the debt to each of the companies where accounts were opened or used in your name.

A working group composed of credit grantors, consumer advocates, and the Federal Trade Commission (FTC) developed this ID Theft Affidavit to help you report information to many companies using just one standard form. Use of this affidavit is optional for companies. Although many companies accept this affidavit, others require that you submit more or different forms. Before you send the affidavit, contact each company to find out whether they accept it.

You can use this affidavit where a new account was opened in your name. The information enables the companies to investigate the fraud and decide the outcome of your claim. (If someone made unauthorized charges to an existing account, call the company to find out what to do.)

When you send the affidavit to the companies, attach copies (*not* originals) of any supporting documents (for example, driver's license, police report) you have. Before submitting your affidavit, review the disputed account(s) with family members or friends who might have information about the account(s) or access to them.

*Complete this affidavit as soon as possible.* Many creditors ask that you send it within two weeks of receiving it. Delaying could slow the investigation.

*Be as accurate and complete as possible.* You *may* choose not to provide some of the information requested. However, incorrect or incomplete information will slow the process of investigating your claim and absolving the debt. Please print clearly.

When you have finished completing the affidavit, mail a copy to each creditor, bank, or company that provided the thief with the unauthorized credit, goods, or services you describe. Attach to each affidavit a copy of the Fraudulent Account Statement with information only on accounts opened at the institution receiving the packet, as well as any other supporting documentation you are able to provide.

*Send the appropriate documents to each company by certified mail, return receipt requested, so that you can prove that it was received. The companies will review your claim and send you a written response telling you the outcome of their investigation. Keep a copy of everything you submit for your records.*

If you cannot complete the affidavit, a legal guardian or someone with power of attorney may complete it for you. Except as noted, the information you provide will be used only by the company to process your affidavit, investigate the events you report, and help stop further fraud. If this affidavit is requested in a lawsuit, the company might have to provide it to the requesting party.

Completing this affidavit does not guarantee that the identity thief will be prosecuted or that the debt will be cleared.

The information required for the affidavit includes personal information about you and the facts pertaining to the theft of your identity. The federal government estimates that it will take you only ten minutes to complete the form. You also have to include with the affidavit documentation to confirm your identity. You can access the affidavit at [www.ftc.gov/bcp/edu/resources/forms/affidavit.pdf](http://www.ftc.gov/bcp/edu/resources/forms/affidavit.pdf).

**Request for Fraudulent Transaction/Account  
Information Made Pursuant to Section 609(e)  
of the Fair Credit Reporting Act (15 U.S.C. § 1681(g))**

To:

Account Number: \_\_\_\_\_

Description of Fraudulent Transaction/Account:

From: [Name]

[Address]

[Telephone Number]

As we discussed on the phone, I am a victim of identity theft. The thief made a fraudulent transaction or opened a fraudulent account with your company. Pursuant to federal law, I am requesting that you provide me, at no charge, copies of application and business records in your control relating to the fraudulent transaction. A copy of the relevant federal law is enclosed.

Pursuant to the law, I am providing you with the following documentation so that you can verify my identity:

- (A) A copy of my driver's license or other government-issued identification card; and
- (B) A copy of the police report about the identity theft; and
- (C) A copy of the identity theft affidavit, on the form made available by the Federal Trade Commission.

Please provide all information relating to the fraudulent transaction, including:

- Application records or screen prints of Internet/phone applications
- Statements
- Payment/charge slips
- Investigator's summary
- Delivery addresses
- All records of phone numbers used to activate the account or used to access the account
- Any other documents associated with the account

Please send the information to me at the above address. In addition, I am designating a law enforcement officer to receive the information from you. This officer is investigating my case. The law enforcement officer's name, address, and telephone number are [insert information]. Please also send all documents and information to this officer.

Enclosure:

Section 609(e) of the Fair Credit Reporting Act (15 U.S.C. § 1681(g))

**ENCLOSURE:**  
**FCRA 609(e) (15 U.S.C. § 1681g(e)) Disclosures to Consumers—**  
**Information Available to Victims**

(e) Information available to victims

- (1) *In general.* For the purpose of documenting fraudulent transactions resulting from identity theft, not later than 30 days after the date of receipt of a request from a victim in accordance with paragraph (3), and subject to verification of the identity of the victim and the claim of identity theft in accordance with paragraph (2), a business entity that has provided credit to, provided for consideration products, goods, or services to, accepted payment from, or otherwise entered into a commercial transaction for consideration with, a person who has allegedly made unauthorized use of the means of identification of the victim, shall provide a copy of application and business transaction records in the control of the business entity, whether maintained by the business entity or by another person on behalf of the business entity, evidencing any transaction alleged to be a result of identity theft to—
  - (A) the victim;
  - (B) any Federal, State, or local government law enforcement agency or officer specified by the victim in such a request; or
  - (C) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this subsection.
- (2) *Verification of identity and claim.* Before a business entity provides any information under paragraph (1), unless the business entity, at its discretion, otherwise has a high degree of confidence that it knows the identity of the victim making a request under paragraph (1), the victim shall provide to the business entity—

- (A) as proof of positive identification of the victim, at the election of the business entity—
    - (i) the presentation of a government-issued identification card;
    - (ii) personally identifying information of the same type as was provided to the business entity by the unauthorized person; or
    - (iii) personally identifying information that the business entity typically requests from new applicants or for new transactions, at the time of the victim's request for information, including any documentation described in clauses (i) and (ii); and
  - (B) as proof of a claim of identity theft, at the election of the business entity—
    - (i) a copy of a police report evidencing the claim of the victim of identity theft; and
    - (ii) a properly completed—
      - (I) copy of a standardized affidavit of identity theft developed and made available by the Commission; or
      - (II) an affidavit of fact that is acceptable to the business entity for that purpose.
- (3) *Procedures.* The request of a victim under paragraph (1) shall—
- (A) be in writing;
  - (B) be mailed to an address specified by the business entity, if any; and
  - (C) if asked by the business entity, include relevant information about any transaction alleged to be a result of identity theft to facilitate compliance with this section including—
    - (i) if known by the victim (or if readily obtainable by the victim), the date of the application or transaction; and
    - (ii) if known by the victim (or if readily obtainable by the victim), any other identifying information such as an account or transaction number.
- (4) *No charge to victim.* Information required to be provided under paragraph (1) shall be so provided without charge.
- (5) *Authority to decline to provide information.* A business entity may decline to provide information under paragraph (1) if, in the exercise of good faith, the business entity determines that—
- (A) this subsection does not require disclosure of the information;
  - (B) after reviewing the information provided pursuant to paragraph (2), the business entity does not have a high degree of confidence in knowing the true identity of the individual requesting the information;
  - (C) the request for the information is based on a misrepresentation of fact by the individual requesting the information relevant to the request for information; or

- (D) the information requested is Internet navigational data or similar information about a person's visit to a website or online service.
- (6) *Limitation on liability.* Except as provided in section 1681s of this title, sections 1681n and 1681o of this title do not apply to any violation of this subsection.
- (7) *Limitation on civil liability.* No business entity may be held civilly liable under any provision of Federal, State, or other law for disclosure, made in good faith pursuant to this subsection.
- (8) *No new recordkeeping obligation.* Nothing in this subsection creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.
- (9) Rule of construction
- (A) *In general.* No provision of subtitle A of title V of Public Law 106-102, prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this subsection.
- (B) *Limitation.* Except as provided in subparagraph (A), nothing in this subsection permits a business entity to disclose information, including information to law enforcement under subparagraphs (B) and (C) of paragraph (1), that the business entity is otherwise prohibited from disclosing under any other applicable provision of Federal or State law.
- (10) *Affirmative defense.* In any civil action brought to enforce this subsection, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that—
- (A) the business entity has made a reasonably diligent search of its available business records; and
- (B) the records requested under this subsection do not exist or are not reasonably available.
- (11) *Definition of victim.* For purposes of this subsection, the term “victim” means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer, with the intent to commit, or to aid or abet, an identity theft or a similar crime.
- (12) *Effective date.* This subsection shall become effective 180 days after December 4, 2003.

(13) *Effectiveness study.* Not later than 18 months after December 4, 2003, the Comptroller General of the United States shall submit a report to Congress assessing the effectiveness of this provision.

*NATIONWIDE CONSUMER REPORTING COMPANIES—REPORT FRAUD*

<b>Consumer Reporting Agency</b>	<b>Phone Number</b>	<b>Date Contacted</b>	<b>Contact Person</b>	<b>Comments</b>
Equifax	1.800.525.6285			
Experian	1.888.EXPERIAN(397.3742)			
TransUnion	1.800.680.7289			

*BANKS, CREDIT CARD ISSUERS, AND OTHER CREDITORS (Contact each creditor promptly to protect your legal rights.)*

<b>Creditor</b>	<b>Address and Phone Number</b>	<b>Date Contacted</b>	<b>Contact Person</b>	<b>Comments</b>

*LAW ENFORCEMENT AUTHORITIES—REPORT IDENTITY THEFT*

<b>Agency/ Department</b>	<b>Phone Number</b>	<b>Date Contacted</b>	<b>Contact Person</b>	<b>Report Number</b>	<b>Comments</b>



## Sample Dispute Letter—For Existing Accounts

[Date]

[Your Name]

[Your Address]

[Your City, State, ZIP Code]

Account Number \_\_\_\_\_

[Name of Creditor]

Billing Inquiries

[Creditor's Address]

[Creditor's City, State, ZIP Code]

Dear Sir or Madam:

I am writing to dispute a fraudulent [charge/debit] on my account in the amount of \$\_\_\_\_\_. I am a victim of identity theft, and I did not make this [charge/debit]. I am requesting that the [charge be removed/the debit reinstated], that any finance and other charges related to the fraudulent amount be credited as well, and that I receive an accurate statement.

Enclosed is a copy of my Identity Theft Report supporting my position. In addition, I am enclosing a copy of sections 605B, 615(f), and 623(a)(6) of the Fair Credit Reporting Act (FCRA), which detail your responsibilities as an information furnisher to consumer reporting agencies in response to the Identity Theft Report I am providing. These enclosures also detail your responsibilities that apply in the event you receive from a consumer reporting agency notice under section 605B of the FCRA that information you provided is the result of identity theft.

Please investigate this matter and correct the fraudulent [charge/debit] as soon as possible.

Sincerely,

[Your Name]

Enclosures:

Identity Theft Report

FCRA Sections 605B, 615(f), 623(a)(6)

**ENCLOSURE:**  
**FCRA 605B (15 U.S.C. § 1681c-2) Block of Information Resulting from  
Identity Theft**

- (a) *Block.* Except as otherwise provided in this section, a consumer reporting agency shall block the reporting of any information in the file of a consumer that the consumer identifies as information that resulted from an alleged identity theft, not later than 4 business days after the date of receipt by such agency of—
- (1) appropriate proof of the identity of the consumer;
  - (2) a copy of an identity theft report;
  - (3) the identification of such information by the consumer; and
  - (4) a statement by the consumer that the information is not information relating to any transaction by the consumer.
- (b) *Notification.* A consumer reporting agency shall promptly notify the furnisher of information identified by the consumer under subsection (a) of this section—
- (1) that the information may be a result of identity theft;
  - (2) that an identity theft report has been filed;
  - (3) that a block has been requested under this section; and
  - (4) of the effective dates of the block.
- (c) *Authority to decline or rescind*
- (1) *In general.* A consumer reporting agency may decline to block, or may rescind any block, of information relating to a consumer under this section, if the consumer reporting agency reasonably determines that—
    - (A) the information was blocked in error or a block was requested by the consumer in error;
    - (B) the information was blocked, or a block was requested by the consumer, on the basis of a material misrepresentation of fact by the consumer relevant to the request to block; or
    - (C) the consumer obtained possession of goods, services, or money as a result of the blocked transaction or transactions.
  - (2) *Notification to consumer.* If a block of information is declined or rescinded under this subsection, the affected consumer shall be notified promptly, in the same manner as consumers are notified of the reinsertion of information under section 1681i(a)(5)(B) of this title.
  - (3) *Significance of block.* For purposes of this subsection, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or money as a result of the block.

(d) Exception for resellers

- (1) *No reseller file.* This section shall not apply to a consumer reporting agency, if the consumer reporting agency—
  - (A) is a reseller;
  - (B) is not, at the time of the request of the consumer under subsection (a) of this section, otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and
  - (C) informs the consumer, by any means, that the consumer may report the identity theft to the Commission to obtain consumer information regarding identity theft.
- (2) *Reseller with file.* The sole obligation of the consumer reporting agency under this section, with regard to any request of a consumer under this section, shall be to block the consumer report maintained by the consumer reporting agency from any subsequent use, if—
  - (A) the consumer, in accordance with the provisions of subsection (a) of this section, identifies, to a consumer reporting agency, information in the file of the consumer that resulted from identity theft; and
  - (B) the consumer reporting agency is a reseller of the identified information.
- (3) *Notice.* In carrying out its obligation under paragraph (2), the reseller shall promptly provide a notice to the consumer of the decision to block the file. Such notice shall contain the name, address, and telephone number of each consumer reporting agency from which the consumer information was obtained for resale.

(e) *Exception for verification companies.* The provisions of this section do not apply to a check services company, acting as such, which issues authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payments, except that, beginning 4 business days after receipt of information described in paragraphs (1) through (3) of subsection (a) of this section, a check services company shall not report to a national consumer reporting agency described in section 1681a(p) of this title, any information identified in the subject identity theft report as resulting from identity theft.

(f) *Access to blocked information by law enforcement agencies.* No provision of this section shall be construed as requiring a consumer reporting agency to prevent a Federal, State, or local law enforcement agency from accessing blocked information in a consumer file to which the agency could otherwise obtain access under this title.

ENCLOSURE:

**FCRA 615(f) (15 U.S.C. § 1681m(f)) Requirements on Users of Consumer Reports—Prohibition on Sale or Transfer of Debt Caused by Identity Theft**

- (f) Prohibition on sale or transfer of debt caused by identity theft
  - (1) *In general.* No person shall sell, transfer for consideration, or place for collection a debt that such person has been notified under section 1681c-2 of this title has resulted from identity theft.
  - (2) *Applicability.* The prohibitions of this subsection shall apply to all persons collecting a debt described in paragraph (1) after the date of a notification under paragraph (1).
  - (3) *Rule of construction.* Nothing in this subsection shall be construed to prohibit—
    - (A) the repurchase of a debt in any case in which the assignee of the debt requires such repurchase because the debt has resulted from identity theft;
    - (B) the securitization of a debt or the pledging of a portfolio of debt as collateral in connection with a borrowing; or
    - (C) the transfer of debt as a result of a merger, acquisition, purchase and assumption transaction, or transfer of substantially all of the assets of an entity.

ENCLOSURE:

**FCRA 623(a)(6) (15 U.S.C. § 1681s-2(a)(6)) Responsibilities of Furnishers of Information to Consumer Reporting Agencies—Duties of Furnishers upon Notice of Identity Theft-Related Information**

- (6) Duties of Furnishers Upon Notice of Identity Theft-Related Information
  - (A) *Reasonable procedures.* A person that furnishes information to any consumer reporting agency shall have in place reasonable procedures to respond to any notification that it receives from a consumer reporting agency under section 1681c-2 of this title relating to information resulting from identity theft, to prevent that person from refurnishing such blocked information.
  - (B) *Information alleged to result from identity theft.* If a consumer submits an identity theft report to a person who furnishes information to a consumer reporting agency at the address specified by that person for receiving such reports stating that information maintained by such person that purports to relate to the consumer resulted from identity theft, the person may not furnish such information that purports to relate to the consumer to any consumer reporting agency, unless the person subsequently knows or is informed by the consumer that the information is correct.

## Sample Dispute Letter—For New Accounts

[Date]

[Your Name]

[Your Address]

[Your City, State, ZIP Code]

[Account Number (if known)]

[Name of Creditor]

Billing Inquiries

[Creditor's Address]

[Creditor's City, State, ZIP Code]

Dear Sir or Madam:

I am a victim of identity theft. I have recently learned that my personal information was used to open an account at your company. I did not open this account, and I am requesting that the account be closed and that I be absolved of all charges on the account.

Enclosed is a copy of my Identity Theft Report supporting my position. In addition, I am enclosing a copy of sections 605B, 615(f), and 623(a)(6) of the Fair Credit Reporting Act (FCRA), which detail your responsibilities as an information furnisher to consumer reporting agencies in response to the Identity Theft Report I am providing. These sections also detail your responsibilities that apply in the event you receive from a consumer reporting agency notice under section 605B of the FCRA that information you provided is the result of identity theft.

Please investigate this matter, close the account and absolve me of all charges, take the steps required of you under the FCRA, and send me a letter confirming your findings and actions, as soon as possible.

Sincerely,

[Your Name]

Enclosures:

Identity Theft Report

FCRA Sections 605B, 615(f), 623(a)(6)

ENCLOSURE:

**FCRA 605B (15 U.S.C. § 1681c-2) Block of Information Resulting from Identity Theft**

- (a) *Block.* Except as otherwise provided in this section, a consumer reporting agency shall block the reporting of any information in the file of a consumer that the consumer identifies as information that resulted from an alleged identity theft, not later than 4 business days after the date of receipt by such agency of—
- (1) appropriate proof of the identity of the consumer;
  - (2) a copy of an identity theft report;
  - (3) the identification of such information by the consumer; and
  - (4) a statement by the consumer that the information is not information relating to any transaction by the consumer.
- (b) *Notification.* A consumer reporting agency shall promptly notify the furnisher of information identified by the consumer under subsection (a) of this section—
- (1) that the information may be a result of identity theft;
  - (2) that an identity theft report has been filed;
  - (3) that a block has been requested under this section; and
  - (4) of the effective dates of the block.
- (c) *Authority to decline or rescind*
- (1) *In general.* A consumer reporting agency may decline to block, or may rescind any block, of information relating to a consumer under this section, if the consumer reporting agency reasonably determines that—
    - (A) the information was blocked in error or a block was requested by the consumer in error;
    - (B) the information was blocked, or a block was requested by the consumer, on the basis of a material misrepresentation of fact by the consumer relevant to the request to block; or
    - (C) the consumer obtained possession of goods, services, or money as a result of the blocked transaction or transactions.
  - (2) *Notification to consumer.* If a block of information is declined or rescinded under this subsection, the affected consumer shall be notified promptly, in the same manner as consumers are notified of the reinsertion of information under section 1681i(a)(5)(B) of this title.
  - (3) *Significance of block.* For purposes of this subsection, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or money as a result of the block.

(d) Exception for resellers

- (1) *No reseller file.* This section shall not apply to a consumer reporting agency, if the consumer reporting agency—
  - (A) is a reseller;
  - (B) is not, at the time of the request of the consumer under subsection (a) of this section, otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and
  - (C) informs the consumer, by any means, that the consumer may report the identity theft to the Commission to obtain consumer information regarding identity theft.
- (2) *Reseller with file.* The sole obligation of the consumer reporting agency under this section, with regard to any request of a consumer under this section, shall be to block the consumer report maintained by the consumer reporting agency from any subsequent use, if—
  - (A) the consumer, in accordance with the provisions of subsection (a) of this section, identifies, to a consumer reporting agency, information in the file of the consumer that resulted from identity theft; and
  - (B) the consumer reporting agency is a reseller of the identified information.
- (3) *Notice.* In carrying out its obligation under paragraph (2), the reseller shall promptly provide a notice to the consumer of the decision to block the file. Such notice shall contain the name, address, and telephone number of each consumer reporting agency from which the consumer information was obtained for resale.

(e) *Exception for verification companies.* The provisions of this section do not apply to a check services company, acting as such, which issues authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payments, except that, beginning 4 business days after receipt of information described in paragraphs (1) through (3) of subsection (a) of this section, a check services company shall not report to a national consumer reporting agency described in section 1681a(p) of this title, any information identified in the subject identity theft report as resulting from identity theft.

(f) *Access to blocked information by law enforcement agencies.* No provision of this section shall be construed as requiring a consumer reporting agency to prevent a Federal, State, or local law enforcement agency from accessing blocked information in a consumer file to which the agency could otherwise obtain access under this title.

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  - (2) *Applicability.* The prohibitions of this subsection shall apply to all persons collecting a debt described in paragraph (1) after the date of a notification under paragraph (1).
  - (3) *Rule of construction.* Nothing in this subsection shall be construed to prohibit—
    - (A) the repurchase of a debt in any case in which the assignee of the debt requires such repurchase because the debt has resulted from identity theft;
    - (B) the securitization of a debt or the pledging of a portfolio of debt as collateral in connection with a borrowing; or
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**ENCLOSURE:**

**FCRA 623(a)(6) (15 U.S.C. § 1681s-2(a)(6)) Responsibilities of Furnishers of Information to Consumer Reporting Agencies—Duties of Furnishers upon Notice of Identity Theft-Related Information**

- (6) Duties of furnishers upon notice of identity theft-related information
  - (A) *Reasonable procedures.* A person that furnishes information to any consumer reporting agency shall have in place reasonable procedures to respond to any notification that it receives from a consumer reporting agency under section 1681c-2 of this title relating to information resulting from identity theft, to prevent that person from refurnishing such blocked information.
  - (B) *Information alleged to result from identity theft.* If a consumer submits an identity theft report to a person who furnishes information to a consumer reporting agency at the address specified by that person for receiving such reports stating that information maintained by such person that purports to relate to the consumer resulted from identity theft, the person may not furnish such information that purports to relate to the consumer to any consumer reporting agency, unless the person subsequently knows or is informed by the consumer that the information is correct.



## **Important Links**

This is a link to instructions from the FTC about how to create an Identity Theft Report to provide to law enforcement: [www.consumer.ftc.gov/articles/0277-create-identity-theft-report](http://www.consumer.ftc.gov/articles/0277-create-identity-theft-report).

This is the link to the Uniform Minor's Status Declaration to be used in instances of child identity theft: [www.identitytheftassistance.org/uploaded\\_files/fck/Taking\\_Charge\\_ID/Uniform\\_Minors\\_Status\\_Declaration.pdf](http://www.identitytheftassistance.org/uploaded_files/fck/Taking_Charge_ID/Uniform_Minors_Status_Declaration.pdf).