

**Office of the
Attorney General**

Identity Theft



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**State of Idaho
Office of Attorney General
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Dear Fellow Idahoan:

Identity theft is a serious and rapidly growing problem. In 2004 the Federal Trade Commission received 600 identity theft complaints from Idaho victims. This is up from 493 victims in 2003 and 361 victims in 2002. Credit card theft was the number one identity theft type reported by Idaho victims.

Fortunately, there are steps you can take to reduce your risk of becoming a victim. You can protect yourself by understanding how identity theft is perpetrated, by understanding your rights and by making informed and intelligent decisions.

As your Attorney General, I am committed to working with you to prevent identity theft and other types of fraud. I will also vigorously enforce Idaho's consumer protection laws.

My office fulfills its legislatively assigned consumer education mission by publishing a variety of manuals addressing specific topics. All of the publications are available at no cost through the Consumer Protection Division and on my website at www.ag.idaho.gov.

If you have been a victim of identity theft, I encourage you to contact your local police department or sheriff's office. I hope you find this publication helpful.

LAWRENCE G. WASDEN
Attorney General

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What Is Identity Theft?

Identity theft occurs when someone uses your personal information, such as your name, Social Security number, credit card number or other identifying information, without your permission, to obtain goods, services or money in your name.

Identity theft is a crime and can be devastating to victims. Idaho Code § 18-3126 governs identity theft. If the amount of money (or value) lost exceeds \$300, the theft constitutes a felony. The punishment for felony identity theft is five years in prison, up to a \$50,000 fine or both.

If you are a victim of identity theft, you probably will have no idea your identity was stolen until you are denied credit, turned down for a job or receive a bill for purchases you did not make. By that time, your good name and credit history may be damaged. Rebuilding good credit in the aftermath of identity theft can take months or even years.

How Does Identity Theft Occur?

Identity theft sometimes begins with a lost or stolen wallet or purse. Identity thieves also may search trashcans, looking for useful financial and personal information. Identity thieves may impersonate representatives of well-known and legitimate businesses to obtain your credit card numbers, Social Security number or other personal information that can be used to obtain credit.

Skilled identity thieves may hack into computers, steal confidential information from their employers, divert mail by completing a “change of address form” or pose as a landlord or employer to obtain access to credit reports.

Identity thieves usually won’t use your checks or credit cards because you may have reported them lost or stolen. Instead, they will use your identification information to obtain new credit cards, open checking accounts, get a fake driver’s license or Social Security card, rent an apartment or, in some cases, obtain a job.

Of course, identity thieves never pay the bills they incur. You, as the victim, end up with a damaged credit rating and the time-consuming task of explaining to the creditors that the charges are fraudulent.

How Can I Protect Myself from Identity Theft?

The best protection against identity theft is to guard your personal information. Here are some ways to avoid becoming an identity theft victim:

Protect Your Financial Records:

Never provide your credit card or account numbers to anyone who initiates contact with you.

Tear up or shred pre-approved credit card or loan offers before throwing them away. You may request that consumer credit reporting companies exclude your name from lists for pre-approved, unsolicited credit and insurance offers. To find out more, call 888-567-8688.

Tear up or shred old bank and credit card statements, cancelled checks, charge receipts, insurance forms and other financial documents before disposal.

Review your monthly credit card and bank statements thoroughly and question any item that appears inaccurate.

If your bank or credit card statements do not arrive on time, call the issuer to make sure the statements are being sent to the right address.

If you have several credit or debit cards, consider enrolling in a credit card registry service that will notify all of your creditors after one call from you. Research the service before you enroll to make sure it is reputable.

If you receive a credit card in the mail that you did not request, call the issuer to find out why it was sent to you. If someone else requested it in your name, cancel it immediately and follow the steps outlined in this brochure.

When you create passwords for ATM cards, long distance accounts or other forms of credit, do not use numbers others can associate with you such as your birth date or part of your Social Security number. Avoid using words, such as your mother's maiden name, which are likely to appear in public records accessible to thieves. The best passwords use a combination of letters and numbers.

Check your credit reports once a year. If you have children, it also is important to review their credit reports regularly. Young people, even infants, have become a favorite target of identity thieves because it is unlikely the theft will be discovered until the child grows up and applies for credit.

How to Obtain a Free Credit Report

Anyone can receive free copies of their credit reports once a year from each of the three national credit reporting agencies.

Amendments to the federal Fair Credit Reporting Act (FCRA), known as the Fair and Accurate Credit Transactions Act (FACT), established the free credit report program. The program requires the three national credit reporting companies – Equifax, Experian and Trans Union – to provide consumers, at their request, with a free copy of their credit report every 12 months.

The annual free reports are available only through the centralized source set up by the three credit reporting agencies. *If consumers contact the companies directly they will still be charged for their credit reports.*

Please note that when you apply for your free credit reports, the credit reporting agencies will likely attempt to sell you upgraded services for a fee. **You are under no obligation to purchase any upgraded services;** instead, you may simply say no to these options and receive only your free report.

To obtain the free reports, consumers can:

- Call 1-877-322-8228;
- Order online at www.annualcreditreport.com; or
- Complete the Annual Credit Report Request Form, available at www.ftc.gov/credit, and mail it to: Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281.

In order to obtain the credit report, you will be asked for identifying information, including your social security number. Providing this information will ensure that credit reporting agencies send you your credit report.

The Credit Report Protection Act

The Credit Report Protection Act allows you to place a “security freeze” on your credit report and prohibits a person from intentionally releasing your Social Security number to the general public. A security freeze, often called a “credit freeze,” generally prohibits a consumer reporting agency from giving your credit information to a third-party creditor. However, some types of business are allowed to access your credit report while a security freeze is in effect. These include your existing creditors, insurance companies and those screening potential tenants or employees. A freeze helps prevent identity thieves from obtaining credit in your name because most creditors won’t extend credit without first reviewing your credit report.

You may request that a consumer reporting agency place a security freeze on your credit report at any time and for any reason. If you believe that your personal or financial information has been disclosed without your permission, you should consider requesting a security freeze.

To obtain a security freeze, you must mail a written request to each of the three major credit reporting agencies asking them to place a freeze on your credit report. You must pay a fee of up to \$6.00 to each credit reporting agency from which you request a freeze. However, if you are a victim of identity theft, you can obtain a security freeze for free. To obtain a free security freeze as a victim of identity theft, you must file a police report and provide a copy to the credit reporting agencies.

If you want to lift the security freeze only temporarily to allow a specific creditor to access your credit report, you must contact the consumer reporting agency that the creditor uses and request that your credit report be unfrozen temporarily. Each credit reporting agency determines its own fee to lift the freeze, but it cannot be more than \$6.00.

To permanently lift a security freeze, follow the same steps as requesting a temporary lift, but specify a permanent lift instead. Agencies cannot charge a fee to permanently lift a security freeze.

Consumer reporting agencies are responsible for providing an address, telephone number, fax number, or e-mail address that consumers can use to request a temporary lift of a security freeze. Effective September 1, 2008, all agencies must provide a secure electronic method for consumers to use.

If a credit reporting agency violates the Credit Report Protection Act, and you are harmed by it, you may sue the agency for damages and for the cost of your reasonable attorney fees. In some cases, instead of damages, a court may award you punitive damages.

If you believe that a person has violated the Credit Report Protection Act, you should consult with a private attorney about your legal rights and options. You also can file a consumer complaint with the Attorney General's Office.

Protect Your Social Security Number:

Do not carry your Social Security card with you unless you need it for a job application.

Financial institutions or employers may request your Social Security number for legitimate wage and tax reporting purposes. When you apply for credit, private businesses may ask for your number to run a credit check. Although these are appropriate requests, you should ask the following questions before giving out your Social Security number:

1. Why do you need it?
2. How will you use it?
3. How will you protect it from being stolen?
4. What will happen if I don't give it to you?

Never provide your Social Security number to anyone who initiates contact with you. Such contacts, which include e-mails, may be fraudulent attempts to get your personal information. Do not respond to these e-mails. No company in the United States will contact you through e-mail for personal account information.

The Social Security Administration will send you a copy of your Earnings and Benefits Summary once a year. Review it carefully for accuracy. If you think you may be a victim of identity theft, order a copy of your Benefits Summary by contacting the Social Security Administration directly at 800-772-1213 or visit www.ssa.gov.

Protect Your Mail:

Take your outgoing mail to a post office or U.S. Postal Service collection box instead of leaving it in an unsecured mailbox.

Remove your mail promptly from your mailbox.

If you are going on vacation and can't pick up your mail, call the U.S. Postal Service to request a vacation hold. The Postal Service will hold your mail at your local post office until you pick it up or are at home to receive it. To request a hold on your mail, call 800-275-8777 or visit www.usps.gov.

Protect Your Computer:

Install virus protection and spyware detection software and update it regularly.

Do not open email or click on hyperlinks that you receive from strangers.

Install a firewall program, especially if your computer is connected to the Internet 24 hours a day.

Use a secure browser – software that encrypts or scrambles information you send over the Internet – to protect the security of your online transactions.

Do not store financial information on your computer. If you do, use a difficult password.

Before you dispose of your computer, use a “wipe” utility program to overwrite the entire hard drive. This makes the files unrecoverable.

Review a website’s privacy policy before transacting any business through it. The website should contain a link to its privacy policy. Usually the link is located at the bottom of the page and is titled “Privacy Policy.” A reliable privacy policy should explain what information the website collects from you, how it protects that information, whether it uses “cookies” and whether it allows you to opt-in or opt-out of the website’s data collecting, sharing or retaining policies.

For more information about Internet privacy, please read the Attorney General’s brochure entitled *Internet Safety*. For a free copy, visit www.ag.idaho.gov or call 208-334-2424 or in state, toll-free 800-432-3545.

Other Tips to Protect Your Privacy:

If you have roommates or employ outside help in your home, you should keep personal and financial information in a secure place, such as a locked safe.

Ask your employer about the security of your personal information at work. Verify that access to your personal information is restricted to only those who need access and that the records are kept in a secure location.

Do not provide personal information over the phone, through the mail or over the Internet, unless you initiated the transaction and you know the person or institution receiving the information.

Do research to make sure an organization or business is legitimate. You can contact your local Better Business Bureau (BBB) to check the reputation of a business or to obtain a reliability report. BBB reports for businesses are available at www.bbb.org. BBB reports for charities are available at www.give.org.

Limit the number of credit cards and other identification that you keep in your wallet or purse. Carry only what you need.

Watch out for promotional scams. Thieves may get personal information from you through fraudulent offers such as foreign lotteries, charitable donation requests, business opportunities and investment schemes.

To inquire about a business, call our office at 208-334-2424 or in-state, toll-free 800-432-3545 or email us at consumer_protection@ag.idaho.gov. Although our information is not related directly to identity theft, we can send you a report indicating whether the Attorney General's Office has received complaints about the business and whether the complaints have been resolved.

If My Identity Is Stolen, How Can I Minimize the Damage?

The steps for protecting yourself differ depending on your circumstances. However, six basic actions are appropriate in almost every case.

Step 1: Call your financial institutions to report the identity theft and cancel stolen checks, credit cards and ATM cards.

If your checks were stolen, contact the following major check verification companies and ask that retailers who use their databases not accept your checks:

Telecheck:	1-800-710-9898
Certegy, Inc.:	1-800-437-5120
International Check Services:	1-800-994-2949

Call SCAN (1-800-262-7771) to find out if the thief has passed bad checks in your name. If so, contact your bank and stop payment on the checks. You also need to contact the merchants who accepted the stolen checks to inform them about the theft.

Step 2: File a report with your local police and the police in the community where the theft occurred.

Obtain certified copies of the report because you may need it to validate your claims to creditors.

Step 3: Place a fraud alert on your credit reports and get copies of your credit reports.

A fraud alert makes it more difficult for a thief to get credit in your name because the alert requires creditors to follow certain procedures to protect you. An initial fraud alert will remain in your credit file for at least 90 days. An extended alert, which requires you to provide specific information, stays in your file for seven years.

Call any **one** of the three major credit bureaus to place a fraud alert in your credit file. Once the credit bureau verifies the validity of the fraud, the other two credit bureaus will be notified automatically. You then will receive a free credit report from each of the major credit bureaus.

Equifax Fraud Report:	1-888-766-0088
Experian Fraud Report:	1-888-397-3742
TransUnion Fraud Report:	1-800-680-7289

Step 4: Carefully review your credit reports.

Close any accounts that show fraudulent activity. If you open new accounts, use new passwords.

If your credit report contains fraudulent information, ask the information provider to send you its fraud dispute form.

The provider also may accept what is called an ID Theft Affidavit. The affidavit is available on the Attorney General's website at www.ag.idaho.gov.

The affidavit can help you close unauthorized accounts and eliminate debts wrongfully attributed to your name.

If you don't have a police report or any paperwork from creditors, send the completed affidavit to the three major credit bureaus. They will use it to start the dispute investigation process.

Not all companies accept the affidavit. Some may require you to use their forms instead. Therefore, you should check with the company before sending the affidavit.

Step 5: Notify the U.S. Postal Service if someone filed a change of address form in your name.

You also should contact the U.S. Postal Inspectors if the thief used the mail to commit credit or bank fraud in your name.

File a mail fraud complaint at:

Criminal Investigations Service Center
Attn: Mail Fraud
222 S. Riverside Plaza, Ste. 1250
Chicago, IL 60606-6100
postalinspectors.uspis.gov

Step 6: File a complaint with the Federal Trade Commission (FTC).

By reporting your identity theft experience to the FTC, you are providing information to help law enforcement officials find and stop identity thieves.

You can file a complaint online at www.ftc.gov, by telephone at 877-438-4338 or TDD 202-326-2502 or by mail:

Identity Theft Clearinghouse
Federal Trade Commission
600 Pennsylvania Ave. N.W.
Washington, D.C. 20580

How Do I Repair My Credit?

If the identity theft results in negative information on your credit report(s), Idaho law provides a way for identity theft victims to clear negative credit records.

1. File a police report.

Explain the facts of the identity theft and obtain certified copies of the report.

2. Contact the credit bureau.

Call the credit bureau and follow up in writing. Identify all inaccurate information and include copies of documents, such as a certified copy of the police report and an ID Theft Affidavit, to support your position.

Your letter to the credit bureau should contain your name, address, telephone number and an explanation of why you dispute the incorrect information. Include a copy of your credit report with a circle around the disputed items.

Send your letter by certified mail, return receipt requested, so you can document when the credit bureau received it. Keep a copy of your letter and all attachments.

Sample dispute letters to credit bureaus and creditors are available on the Attorney General's website at www.ag.idaho.gov.

The federal Fair Credit Reporting Act (FCRA) explains how to dispute mistakes on your credit report. Both the credit bureau and the information provider, like a bank or credit card company, must correct inaccurate information in your report.

3. The credit bureau will investigate your claim.

The credit bureau must complete its investigation within 30 days unless you submit additional documents. If your claim is frivolous, the credit bureau must tell you so within five business days. Otherwise, the credit bureau must send the information provider all relevant documents you provide about the dispute.

4. The information provider will investigate your claim.

The information provider reviews the findings of the credit bureau's investigation and reports back to the credit bureau. The provider must report the inaccuracy to any nationwide credit bureaus to which it reports. The credit bureaus then can correct your file.

5. The credit bureau will provide you with a written report.

Following its investigation, the credit bureau will provide you a report and a copy of your credit report if any information is changed. The credit bureau may not put the disputed information back in your file unless the information provider verifies that the information is accurate. The credit bureau also must send you a written notice that includes the name, address and phone number of the information provider.

6. Request notices of corrections.

Ask the credit bureau to send notices of corrections to anyone who received your report in the past six months.

If the investigation doesn't resolve your dispute, write a 100-word statement explaining your dispute, send it to the credit bureau and ask that it be included in your file.

7. Contact your creditors.

Write to the information provider, informing it that you dispute what it reported. Send copies (not originals) of documents that support your position.

Most creditors provide specific addresses for sending dispute letters. If the address is not specified in your credit agreement, call the creditor to verify the address.

If the creditor requires a special form, complete and return it. If the creditor then reports the disputed item(s) to a credit bureau, it must include a notice of dispute.

8. Take legal action if the credit bureau doesn't comply.

You have the right to sue a credit bureau for failing to block incorrect information resulting from identity theft. You may sue the credit bureau, the information provider or both for damages and injunctive relief. A judgment in your favor must include an award of attorney fees and other relief as granted by the court. Consult with a private lawyer to advise you of your specific options.

9. Be skeptical of businesses that offer "credit repair" services.

They often require high up-front fees and do nothing to fix your credit. Some just disappear with your money.

How Do I Stop Debt Collectors from Trying to Collect on a Fraudulent Debt?

To stop a debt collector from contacting you, you must write a letter to the collection agency telling them to stop. It is important to include copies of documents that support your position. After the debt collector receives your letter, it may not contact you again except to:

- (1) Tell you that it will stop contacting you; and
- (2) Tell you that it or the creditor will take some specific action.

The debt collector must provide proof of the debt's validity. If you receive documents from the collector, review them carefully. The thief may have completed a credit application in your name. You then can dispute the collector's evidence.

Under the federal Fair Debt Collection Practices Act (FDCPA), a debt collector is prohibited from using unfair or unconscionable practices to collect any debt. Failure to comply with the FDCPA subjects a collector to civil liability.

Identity Theft Resources

Better Business Bureau (S.W. Idaho)	(208) 342-4649
Better Business Bureau (S.E. Idaho).....	(208) 523-9754
Better Business Bureau (N. Idaho)	(509) 455-4200
Direct Marketing Association	(202) 955-5030
Federal Bureau of Investigation.....	(202) 324-3000
Federal Communications Commission	(888) 225-5322
Federal Trade Commission	(877) 382-4357
Idaho Attorney General’s Office	(800) 432-3545
Idaho Department of Finance - Toll-free (only within Idaho).....	(888) 346-3378
Idaho Department of Insurance.....	(800) 721-3272
Idaho Public Utilities Commission	(800) 432-0369
Idaho State Bar Lawyer Referral Service	(208) 334-4500
United States Postal Service	(877) 876-2455

Other Attorney General Publications

Available at www.ag.idaho.gov

- Charitable Giving
- Consumer Protection Manual
- How to Contact Your State Legislators
- Idaho Lemon Law
- Internet Safety
- Landlord and Tenant Guidelines
- Manual on the Rights of Victims of Crime
- Pyramids, Gift Schemes & Network Marketing
- Rules of Consumer Protection
- Young Adult Handbook

Funds collected by the Attorney General's Consumer Protection Division as the result of enforcement actions paid for this pamphlet. No tax monies were used to pay for this publication.

The Consumer Protection Division enforces Idaho's consumer protection laws, provides information to the public on consumer issues, and offers an informal mediation process for individual consumer complaints.

If you have a consumer problem or question, please call 208-334-2424 or in-state toll-free 1-800-432-3545. TDD access and Language Line translation services are available. The Attorney General's web site is available at www.ag.idaho.gov.