

Understanding Your Rights –(from the Office of the Indiana Attorney General)

Understanding your rights under state and federal law may help protect you from identity theft or recover from an identity crime. Here is a summary of some of those rights:

You have the right to place a “security freeze” on your credit files with the nationwide consumer reporting agencies.

By placing a security freeze, you significantly restrict the type of businesses and entities that can obtain your credit report. When you place a freeze on your reports, the consumer reporting agencies will provide you with a unique PIN number. Anytime credit applications are filled out using your name, the consumer reporting agencies will ask for the PIN number to verify your identity. This will help prevent any fraudulent accounts from being opened. This service lasts indefinitely, and can be easily “lifted” if you want to apply for credit. Indiana residents can place and lift a freeze free of charge.

You have the right to request the nationwide consumer reporting agencies place “fraud alerts” – also referred to as “identity theft alerts” – on your credit file.

A fraud alert will let potential creditors know you may be a victim of identity theft. Fraud alerts make it more difficult for someone committing ID fraud to get credit in your name. You can place a fraud alert on your credit file simply by calling one of the three credit reporting agencies: Equifax (1.800.525.6285), Experian (1.888.EXPERIAN), and TransUnion (1.800.680.7289). The credit reporting agency you contact is required to inform the other two agencies to place a fraud alert on your account.

You have the right to free copies of your credit report.

A fraud theft alert entitles you to a copy of your credit report so you can review all the information in your file at each of the three credit reporting agencies. As an identity theft victim you are also entitled to two free credit reports in the 12 months following your identity theft alert. Additionally, the Fair Credit Reporting Act provides all U.S. residents the right to obtain one free credit report per year from Equifax, Experian, and TransUnion, respectively. Credit reports will help you determine whether an identity thief has reported a change in your address or committed fraud and opened new accounts in your name.

You have the right to obtain copies of any documents relating to fraudulent credit card, financial, or bank accounts opened in your name.

If someone has committed identity theft or credit fraud by opening fraudulent accounts in your name, you are entitled to view all documents pertaining to those accounts. So the business or lender knows you are not trying to commit identity theft, you will have to provide proof of identity, a police report documenting your identity theft case, and an affidavit before you receive the documents.

You have the right to obtain information regarding your stolen identity from a debt collector.

In addition to applications and transaction records from the creditor or business, you have the right to obtain information and documentation from debt collectors about fraudulent accounts created in your name. Federal law requires debt collectors to verify the name of the original creditor, the amount of the debt, and related information about the debt they are attempting to collect.

If you believe any financial information about you is the result of consumer fraud, you have the right to prevent businesses from reporting that information to consumer reporting agencies.

To block the identity theft information, send the request to the businesses handling the information you think resulted from financial fraud. The business will expect you to provide proof of the identity theft charge as well as an identity theft report.

You have the right to contact your local law enforcement agency and file a police report if you learn, or reasonably suspect, you are a victim of identity theft.

The law enforcement agency will take the report and provide you with a copy. You can then provide the police report to creditors and companies where fraudulent accounts were opened by the identity thief.

You have the right to file a petition in your local court asking the judge to issue a court order declaring you to be a victim of identity theft.

You will have to provide proof you have been a victim of identity theft to obtain the victim court order. If the court issues the order, it can be used to provide to government agencies, creditors, and consumer reporting agencies as proof you have been the victim of a crime.

You have the right to be notified about any security breaches involving your personal information.

Under federal and Indiana law, companies or agencies must inform you when unauthorized acquisition of your personal information has taken place. The company must inform you by mail, telephone or email about the breach in a timely manner so you're aware of the release and can take appropriate precautions to protect yourself. The company is also required to notify the attorney general's office (and, depending on the number of persons affected, the credit reporting agencies) of the breach.

You may need to consult with a private attorney or legal services office for advice on how you can enforce the rights outlined above.