

Identity Theft Information



How the Law Applies to Victims of Identity Theft:

Court Orders to Correct Public Records

Upon a criminal conviction the law authorizes the courts to issue an order for the victim to use in correcting public records that contain false information due to the theft of identity. For example - arrest records in the victim's name that were the result of the defendant using the victim's name at the time of arrest.

Consumer Protection Remedies

The criminal provisions also constitute violations of the Consumer Protection Act (CPA), and victims and the Attorney General's Office (AGO) can pursue civil actions against the perpetrators using the protections of the CPA (RCW 9.35.800). Also, the following civil provisions all contain CPA remedies whereby the victims and/or the AGO can enforce compliance.

Businesses Required to Provide Information to Victims of Identity Theft

The law (RCW 9.35.040) requires businesses that have information relevant to the identity theft to provide that information to a victim once the victim provides positive proof of their identity and a copy of their police report. For example, the victim now has the legal right to require a business to hand over their records about the credit account the ID thief opened in the victim's name. Those records often contain critical information the victim needs in order to prove they were not the person who is responsible for that account. It is also information the victim can then provide to law enforcement to assist them in their investigation. The business may require the victim to provide all or some of the following items before complying with this section:

- A copy of a government-issued photo identification card;
- A copy of a filed police report evidencing the victim's claim; and
- A written statement from the state patrol verifying the victim has completed the fingerprint verification program under RCW 43.43.760.

Blocking Bad Credit Information from Credit Reports

The law (RCW 19.182.160) also provides a civil remedy for consumers. Under the law, a victim of identity theft can block any adverse credit reports resulting from the crime by filing the police report of the crime with the credit-reporting agency and supplying the agency with other proof of identification similar to those above. Provisions are made for denial and removal of the block in cases of fraud or error. The effect is that the victim's credit record is restored to reflect only the victim's true credit history.

Limitations Imposed on Collection Agencies

A collection agency may not call a debtor (victim) more than one time in 180 days in order to collect on debts associated with fraudulent checks, as long as the victim forwards information regarding the alleged theft to the collection agency. The victim must provide the collection agency with the relevant police report and proof of the victim's identity similar to the provisions above. (RCW 19.16.250)

Where To Go for More Information:

Federal Trade Commission Accepts Complaints from ID Theft Victims

Phone: 1-877-IDTHEFT

Website: <http://www.consumer.gov/idtheft>

Washington State Attorney General's Office Posts information on its website

Website: <http://www.wa.gov/ago/consumer/idtheft>

US Postal Service To report theft of mail or fraudulent change of address form use

Website: <http://www.usps.com/postalinspectors>

Social Security Administration

P.O. Box 17768

Baltimore, MD 21235

Fraud Hotline: 1-800-269-0271

Fax: 1-410-597-0118

E-mail: oig.hotline@ssa.gov

Department of Motor Vehicles

To report if someone has obtained or is using a driver's license under your name.

P.O. Box 903

Olympia, WA 98507-9030

Phone: (360)664-8885

Website: <http://www.wa.gov/dol>

E-mail: drvfraud@dol.wa.gov

Credit Reporting Agencies It is important to include your social security number and current address when writing to the following credit bureaus:

Equifax

P.O. Box 74024

Atlanta, GA 30374

Order Credit Report: 1-800-685-1111

Report Fraud: 1-800-525-6285

Website: <http://www.equifax.com>

Experian

P.O. Box 200

Allen, TX 75013

Order Credit Report: 1-888-EXPERIAN

Report Fraud: 1-888-EXPERIAN

Website: <http://www.experian.com>

TransUnion

P.O. Box

Chester, PA 19022

Order Credit Report: 1-800-888-4213

Report Fraud: 1-800-680-7289

Website: <http://www.transunion.com>