
IDENTITY THEFT INFORMATIONAL PACKET



.....January 2003

Directory Disclaimer

Public Counsel Law Center, the nation's largest *pro bono* law firm, is the public interest law firm of the Los Angeles County and Beverly Hills Bar Associations as well as the Southern California affiliate of the Lawyer's Committee for Civil Rights Under Law. Public Counsel serves those in need by providing legal representation and matching low-income clients with volunteer attorneys.

Public Counsel's Debtor Assistance Project has developed this informational packet to provide you with information about how to protect yourself from being a victim of identity theft. Public Counsel does not assume any liability for actions or legal advice provided by any of the listed entities or for any information that may be inaccurate or incomplete.

The contents of this directory may be reprinted. However, Public Counsel must authorize any adaptation or translation of the directory's contents.

TABLE OF CONTENTS

WHAT IS IDENTITY THEFT?.....	1
WHY SHOULD I CARE ABOUT IDENTITY THEFT?	1
If you are a victim of identity theft:	1
HOW DO I KNOW IF I HAVE BEEN A VICTIM OF IDENTITY THEFT?	1
You may have no idea. You may discover you are a victim of identity theft when:	1
WHAT SHOULD I DO IF I AM A VICTIM OF IDENTITY THEFT?.....	2
To successfully fight identity theft:	2
Police Department:	2
File a police report with your local police and ask for a copy of the report.....	2
Major Credit Bureaus:	2
Contact the fraud department at the three major credit reporting agencies	2
Credit Cards & Bank Accounts:	3
Contact your credit card company and banking institution to close all accounts that were tampered with or opened fraudulently.	3
Federal Trade Commission:	3

File a complaint through the FTC's Identity Theft Hotline.....	3
Social Security Administration:.....	3
Office of the United States Trustee:.....	4
Driver's License:.....	4
Post Office:.....	4
Apartment & Utilities:.....	4
 WHAT CAN I DO IF A CREDITOR OR DEBT COLLECTOR CONTACTS ME FOR A DEBT I DID NOT INCUR?	 5
 HOW CAN I AVOID BECOMING A VICTIM OF IDENTITY THEFT?	 6
 SAMPLE LETTER TO CREDIT REPORTING AGENCIES ALERTING THEM ABOUT FRAUDULENT CHARGES & IDENTITY THEFT.....	 7
 SAMPLE LETTER TO CREDITOR OR DEBT COLLECTOR ALERTING THEM ABOUT FRAUDULENT CHARGES & IDENTITY THEFT.....	 8
 SAMPLE NO CONTACT LETTER TO CREDITOR OR DEBT COLLECTOR.....	 9

WHAT IS IDENTITY THEFT?

You are a victim of identity theft when someone else uses your personal identifying information (such as your name, social security number, address or any other identifying information) to commit a crime (such as obtaining a credit card, loan, mortgage or filing a bankruptcy case in your name).

WHY SHOULD I CARE ABOUT IDENTITY THEFT?

If you are a victim of identity theft:

- Your credit could be ruined
- You could be denied employment
- Your driver's license could be revoked
- Your wages could be garnished

HOW DO I KNOW IF I HAVE BEEN A VICTIM OF IDENTITY THEFT?

You may have no idea. You may discover you are a victim of identity theft when:

- A creditor informs you they have received a credit application for which you never applied.
- Incoming calls or letters state you are approved or denied credit for which you never applied.
- You receive credit card or bill statements in your name and address for which you never applied.
- You no longer receive your credit card, bank statements, or regular mail.
- Your credit card statement includes unusual purchases or charges you never authorized.
- To check whether you have been a victim of identity theft, order your credit reports from the three major credit-reporting agencies. Review your credit reports carefully to see if you have been a victim of identity theft. The three main credit reporting agencies are:

EQUIFAX	P.O. Box 740241 Atlanta, GA 30374	(888) 766-0008 www.equifax.com
EXPERIAN	P.O. Box 2104 Allen, TX 75013	(888) 397-3742 www.experian.com
TRANS-UNION	P.O. Box 6790 Fullerton, CA 92834	(800) 680-7289 www.transunion.com

WHAT SHOULD I DO IF I AM A VICTIM OF IDENTITY THEFT?

To successfully fight identity theft:

- Immediately contact the following places.
- Be organized in keeping records of everything you do to correct the fraud
 - Including taking notes of who you spoke with at what company, date, time, what was discussed, and any documents received or sent.
- **Then follow-up in writing via certified return receipt mail.**

Police Department:

File a police report with your local police and ask for a copy of the report

Los Angeles Police Department	(213) 485-4131
Anaheim Police Department	(714) 765-1953
Los Angeles County Sheriff (Whittier)	(562) 946-7942

Major Credit Bureaus:

Contact the fraud department at the three major credit reporting agencies

EQUIFAX	P.O. Box 740241 Atlanta, GA 30374	(888) 766-0008 www.equifax.com
EXPERIAN	P.O. Box 2104 Allen, TX 75013	(888) 397-3742 www.experian.com
TRANS-UNION	P.O. Box 6790 Fullerton, CA 92834	(800) 680-7289 www.transunion.com

- Ask them to flag your file with a fraud alert and to include a statement that creditors need your permission before opening any new accounts.
 - A sample letter can be found on **page 7** of this packet.
- If there are any unauthorized charges or fraudulent accounts, file a dispute form **via certified return receipt mail** immediately with all three credit-reporting agencies. Later, order your credit reports to verify corrections made and to check for any fraudulent activity.

Credit Cards & Bank Accounts:

Contact your credit card company and banking institution to close all accounts that were tampered with or opened fraudulently.

- Speak to someone in the fraud department and demand inaccurate information be removed.
Then follow up in writing via certified return receipt mail.
 - A sample letter can be found on **page 8** of this packet.
- Open new accounts and ask for password-only access.
 - Create passwords and PINs that are hard to guess.
- Ask for new checks and new cards with new personal identification numbers (PINs).
- Ask credit companies or banks to provide you with copies of documents of any fraudulent transactions.

Federal Trade Commission:

File a complaint through the FTC's Identity Theft Hotline.

FTC Identity Theft Clearinghouse 600 Pennsylvania Avenue NW Washington D.C. 20850	1-877-IDTHEFT www.consumer.gov/idtheft or www.ftc.gov
---	--

Social Security Administration:

- If someone is using your social security number, contact the Social Security Administration at (800) 772-1213 or at www.ssa.gov.
 - Request a printout of your employment history, personal earnings and benefit estimate.
 - If you discover an employer for whom you have never worked for, contact that employer and inform the social security administration that your employment history is inaccurate.
 - **Then follow up in writing via certified return receipt mail.**
 - Under extreme situations you might be issued a new number.

Office of the United States Trustee:

- If you suspect bankruptcy fraud, write a brief cover letter detailing the situation and attach copies of any related documents.
 - Send to: Office of the U.S. Trustee, Ernst & Young Plaza 725 South Figueroa Street, Suite 2600, Los Angeles, Los Angeles, CA 90012.
 - You may also contact the U.S. Trustee's Office at (213) 894-6811 or access their website at www.usdoj.gov.

Driver's License:

- If you suspect your name or social security number is being used to get a driver's license, report this to your local Department of Motor Vehicles office.
 - You may contact the DMV at (800) 777-0133 or access their website at www.dmv.ca.gov to replace your driver's license.

Post Office:

- If your mail has been stolen or tampered with, notify the Postal Inspector at (800) 275-8777.
 - Ask the Postmaster if any forwarding orders have been processed in your name. If so cancel it.

Apartment & Utilities:

- If someone has obtained housing, telephone, gas, electric or other services using your identity, contact the manager or such utilities.
 - You may be able to get names, addresses and telephone numbers of the suspected identity thief.

WHAT CAN I DO IF A CREDITOR OR DEBT COLLECTOR CONTACTS ME FOR A DEBT I DID NOT INCUR?

- Tell the debt collector you are a victim of identity theft and send them a copy of the police report and a letter disputing the debt.
 - **Then follow up in writing via certified return receipt mail.**
- If the debt collector is a collection agency, send a letter:
 - (1) Send the *Debt Collector* a letter within 30 days **via certified return receipt mail** after you receive the first written demand for payment.
 - A sample letter can be found on **page 8** of this packet.
 - State you are an identity theft victim & dispute the validity of the debt by providing them with a copy of your police report.
 - Keep a copy of the letters and the originals of any supporting documents you send.
- If the debt collector continues collection efforts:
 - You have the right to inform the debt collector when and where they may contact you.
 - You may also instruct the debt collector to stop communicating with you altogether.
 - A sample no contact letter can be found on **page 9** of this packet.
 - You should IMMEDIATELY consult an attorney or non-profit legal services agency if you are **served in a lawsuit** based on the debts incurred by an identity thief.

HOW CAN I AVOID BECOMING A VICTIM OF IDENTITY THEFT?

- Order a copy of your credit report once a year from the three major credit bureaus:
 - Experian
 - Equifax
 - Trans-Union
- Check for false charges that may indicate fraud and report any fraudulently charges immediately. **Then follow up in writing via certified return receipt mail.**
- Protect your personal information that may be found in bank and other financial statements, ATM and credit card receipts, and pre-approved credit offers.
 - Your social security and credit card numbers are prime targets.
- Do not carry your social security number, birth certificate, passport, or extra credit cards.
- Do not write your social security or credit card numbers on checks.
- Never give anyone a credit card number, personal information, social security number, or financial data over the phone or Internet **unless you are dealing with someone you know the communication is protected.**
- Tear up all documents containing personal information before disposing of them.
- Secure your mail.
- Pick-up new checks at the bank rather than having them mailed to you.
- Secure your personal information at home and when traveling.
- Review your credit card and bank statement each month.
- Never sign blank receipts or leave open spaces on your receipts.
- Never sign blank checks or leave empty spaces on your checks.

SAMPLE LETTER TO CREDIT REPORTING AGENCIES ALERTING THEM ABOUT FRAUDULENT CHARGES & IDENTITY THEFT

VIA CERTIFIED RETURN RECEIPT MAIL

DATE: TODAY'S DATE

Your name

YOUR ADDRESS

Your city, State Zip Code

Fraud Department

Name of Credit Reporting Agency

Address

City, State & Zip Code

RE: FRAUD ALERT

Social Security Number: *Insert your Social Security Number*

Date of Birth: *Insert your Date of Birth*

Dear Sir or Madam:

I am writing to advise you that I am a victim of identity theft. I recently became aware of the fraudulent use of one of my accounts. The account that has been fraudulently used by someone else is: *Insert the account that has been fraudulently used*. I did not make the foregoing charges. Accordingly, I would like for you to do several things for me.

First, I want my credit history with your company flagged with a fraud alert. Second, please insert the following comment in my credit report: "Do not extend credit in my name without obtaining my verbal authorization." Third, please send me the name, address, and phone number for all listed accounts. Last, I would like for you to mail me a free copy of my credit report.

If you have any questions or advice, please contact me.

Sincerely,

Your signature

Print your name

SAMPLE LETTER TO CREDITOR OR DEBT COLLECTOR ALERTING THEM ABOUT FRAUDULENT CHARGES & IDENTITY THEFT

VIA CERTIFIED RETURN RECEIPT MAIL

Date: Today's Date

Your name

YOUR ADDRESS

Your city, State Zip Code

Complaint Department

Name of Creditor & Debt Collection Agency

Address

City, State & Zip Code

RE: FRAUD ALERT

Dear Sir or Madam:

I am writing to advise you that I am a victim of identity theft. I recently became aware of the fraudulent use of one of my accounts. The account that has been fraudulently used by someone else is: *Insert the account that has been fraudulently used.* I did not make the foregoing charges. Accordingly, I would like for you to do several things for me.

First, I want my credit history with your company flagged with a fraud alert. Second, please insert the following comment in my credit report: "Do not extend credit in my name without obtaining my verbal authorization." Third, please send me the name, address, and phone number for all listed accounts. Last, I would like for you to mail me a free copy of my credit report.

If you have any questions or advice, please contact me.

Sincerely,

Your signature

Print your name

SAMPLE NO CONTACT LETTER TO CREDITOR OR DEBT COLLECTOR

VIA CERTIFIED RETURN RECEIPT MAIL

DATE: TODAY'S DATE

Creditor

Creditor Street Address

Creditor City, State, Zip Code

<u>Re:</u>	<u>Your name</u>
<u>Original Creditor:</u>	<u>Name of original creditor</u>
<u>Account Number:</u>	<u>Account number on this debt</u>

Dear Sir or Madam:

I am writing pertaining to the above-referenced account. I am unable to continue making even the minimum payment towards my account with your company.

Pursuant to §1788.17 of the California Fair Debt Collection Practices Act, I request that you cease all **oral** communication with me.

Sincerely,

Your signature