

Mistaken Identity & Identity Theft

Being the victim of identity theft or mistaken identity can be an overwhelming and upsetting experience. Once you discover your identity has been compromised, you can deal with the problem by promptly taking these steps to preserve your rights, minimize further harm, and begin to restore your identity.

1. Placing Fraud Alerts

- Contact the 3 Credit Reporting Agencies (CRA's) to place a 90 day fraud alert on your report. Later consider a longer term security freeze. You should receive letters of confirmation from each agency that a fraud alert has been placed.
- Call creditors to close or freeze the accounts affected to prevent further unauthorized charges.

2. Obtain & Review your Credit Reports

- Order and receive free credit reports from all 3 CRA's. The fraud confirmation letters will instruct you how to get the free credit reports you are entitled to after placing a fraud alert.
- Review your credit reports for **all** errors related to the theft of identity.

3. File a Complaint with the Federal Trade Commission

- Compile all the documentation you are able to obtain regarding the details of the crime (ie. Credit reports, bills/debts incurred by the theft, etc.)
- Use this information and details of the crime to fill out the Federal Trade Commission Identity Theft Affidavit, available online here: <http://www.ftc.gov/bcp/edu/resources/forms/affidavit.pdf>

4. File a Police Report

It is important to make a report of the crime to the police. You will need to obtain a copy of the official police report containing as much detail as possible about the crime. You should file a report once you have assembled all documentation and filled out the FTC ID Affidavit. Bring the following

documents to the precinct in which the crime occurred:

- Completed FTC Identity Theft Affidavit
- At least 1 Credit Report & other documents affected by crime
- Proof of identity (government photo ID card)
- Proof of residence (ie. Bank statement/utility bill)

Have the police officer sign the ID Theft Affidavit and attach to the Official Police Report.

What do to if the Police do not want to take your report?

- ⇒ Be persistent. You have the right to a police report.
- ⇒ Ask to speak to their supervisor.
- ⇒ Show them NY Executive Law §646: Police Reports & the Memo from the FTC to Law Enforcement (attached).
- ⇒ If you are a domestic violence survivor, ask for the domestic violence officer.
- ⇒ Go to a second precinct & try again.

5. Dispute Accounts/Transactions with the Creditors

- Send your FTC ID Theft Affidavit and a dispute letter to all the companies for which accounts were used/opened without your permission.

The letter should ask the company to close the account, absolve the victim of all associated debts, cease reporting the fraudulent activity to the CRA's, not sell or transfer the disputed debt, and to provide a release letter to you stating the account is closed and has discharged the fraudulent debts.

- These letters should be sent certified, return receipt requested.
- Confirm that each company provides you a release letter, proof that the debt has been discharged.

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6. Block Fraudulent Accounts/Transactions with the CRA's

- If you have both a Police Report and the FTC ID Theft Affidavit (together known as an 'Identity Theft Report') you can send this with a dispute letter (example below) to the Credit Reporting Agencies to block the fraudulent information. They are obligated to block the inaccurate information within 4 business days and to promptly notify the furnishers of that information.
- If you only have the FTC ID Theft Affidavit you can still dispute the fraudulent information—but the Credit Reporting Agencies have a much longer period of time to investigate your disputed accounts and even then may not remove the

information.

**Police reports add a lot of credibility to your Identity Theft claim.

- Be sure to send the disputes certified, return receipt requested.

7. Vacate Judgments

If there have been judgments mistakenly filed against you, you can clear them by filing orders to show cause.

- Go to the court where the judgment was obtained.
- Request to see the file for each case against you and photocopy everything (bring lots of quarters). For more information, see the "Filing an Order to Show Cause" factsheet.
- Get a court-certified letter to show that the judgment has been vacated.

Template Letter to Block a Fraudulent Account with a CRA (Used if you have both an FTC ID Theft Affidavit & a Police Report)

[Date]

[Your Name]

[Your Address]

[Your City]

[CRA Address (to the right)]

Re: [Your Account # (if known)]

Dear Sir or Madam:

Equifax Consumer Fraud Division

P.O. Box 740256
Atlanta, GA 30374

Experian

P.O. Box 9532
Allen, TX 75013

TransUnion Fraud Victim Assistance Department

P.O. Box 6790
Fullerton, CA 92834-6790

I am a victim of identity theft. The information listed below, which appears on my credit report, does not relate to any transaction(s) that I have made. It is the result of identity theft.

[Identify item(s) resulting from the identity theft that should be blocked, by name of the source, such as the credit card issuer or bank, and type of item, such as credit account, checking account, etc.]

Please block this information from my credit report, pursuant to section 605B of the Fair Credit Reporting Act, and send the required notifications to all furnishers of this information.

Enclosed are the following:

- A copy of my credit report I received from your company. The fraudulent items are marked.
- A copy of my Identity Theft report [FTC Identity Theft Affidavit & Police Report] and proof of my identity
- A copy of section 605B of the Fair Credit Reporting Act, which requires you to block the fraudulent information on my credit report resulting from identity theft within 4 business days and to promptly notify the furnisher(s) of that information.

I appreciate your prompt attention to this matter, and await your reply.

Sincerely,

[Your Name]

Enclosures:

-Copy of Credit Report

-FTC Identity Theft Affidavit

-Police Report

-Proof of Identity

-FCRA § 605B, 15 U.S.C. §
1681c

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