

Appendix B.2: Checklist for General Steps Addressing Identity Theft

This checklist walks the victim or her attorney or other representative through the steps she should promptly take to preserve her rights, minimize further harm, and begin to restore her identity. You can use this checklist during the initial interview as a way to identify what steps your client has taken herself so you can chart out the steps that remain to be taken, or at any point during the recovery process to make sure you have taken all appropriate steps to address your client's particular problems.

1: Steps to Take with the Credit Reporting Agencies

- **Placing Fraud Alerts**
- **Obtaining and Reviewing Credit Reports**
- **Fixing the Reports**

Placing Fraud Alerts

- Contact the credit reporting agencies (CRAs) to place an initial 90-day fraud alert. (See [Section II.A](#) for more information on fraud alerts and credit freezes.)
 - Issues to consider:
 - Consider placing an extended 7-year fraud alert or a credit freeze on the report immediately.
 - For certain types of identity theft, e.g. employment or housing-related, the victim may need to contact specialty CRAs. Specialty CRAs are not required by the Fair Credit Reporting Act (FCRA) to provide fraud alerts.¹ However, they are required to provide a free annual report, although there is no central source for ordering such reports, so requests must be made directly to each specialty CRA. (See [Section IV.G.](#) for more information on specialty CRAs.)
- Confirm that the victim has received letters from all 3 major CRAs confirming that they have successfully placed the 90-day fraud alert.
 - Note: If the victim did not receive a confirmation letter from any one of the three major CRAs, she should contact that company directly to place a fraud alert, and may be asked to provide the company with additional proof of identity. It may be that the information the victim initially provided to the CRA does not match the information in her credit file.

¹ Companies that compile reports on consumers only for purposes other than credit have been designated by Congress as “nationwide specialty consumer reporting agencies.” These agencies compile reports about much more than just your credit history. Some examples of the types of reports that they compile include medical conditions, residential or tenant history, employment background checks, and homeowner and auto insurance claims.

Obtaining and Reviewing Credit Reports

- Order and receive her credit reports from all three CRAs. (See [Appendix A.2.](#) for more information on free credit reports)
 - The CRAs' fraud alert confirmation letters will instruct the victim how to get the free credit reports she is entitled to following the placement of a fraud alert.
 - These reports must be provided free of charge, and the victim is not required to purchase any additional product or service to obtain these free reports.
- Review the credit report(s) for errors related to the theft of her identity.
 - A guide for reviewing credit reports is at [Appendix D.4.](#)

Fixing the Reports

- If the victim detects identity theft-related errors on any of her credit reports, she can block the information from appearing in her credit reports by submitting an Identity Theft Report to the appropriate CRAs. (See [Section III.A.](#) for more information about blocking information from appearing in credit reports using FCRA section 605B.)
 - Note: Ask the CRA for the specific address (if any) to which the Identity Theft Report and blocking request should be sent.
- Respond to any requests by a CRA to supply any additional information in response to the Identity Theft Report.
 - The CRAs may ask for additional supporting information in some cases.
- Obtain a follow-up credit report from each of the three CRAs within a few weeks after sending the blocking request and Identity Theft Report (or after sending additional information requested), to verify that the information she challenged was indeed blocked.
- If the victim did not obtain an Identity Theft Report from law enforcement, or wants corrected information to appear on her credit report (such as where the identity theft affected an existing account and the victim wants the correct information about the account to continue to appear on her credit report), she can dispute the erroneous information in the credit report with the CRAs using section 611 of the FCRA. (See [Section III.B.](#) for more information about disputing information in credit reports using FCRA section 611.)
- Confirm receipt of a notice from the CRAs reporting the results of their investigation under section 611.
- The victim should provide written disputes to the CRAs before or at the same time she writes the furnishers to inform them of the fraud. All disputes should be sent by certified mail, return receipt requested.

2: Steps to Take With Creditors

- **Contacting Companies and Repairing Damage**
- **Obtaining Documents**
- **Obtaining Release Letters**

Contacting Companies and Repairing Damage

- Telephone the fraud departments at each of companies where new accounts were opened, or where her existing accounts were used without her knowledge or permission, to notify them of the identity theft and request that the account be closed or frozen immediately while she disputes the fraudulent activity.
 - Ask the company if it accepts the FTC Identity Theft Affidavit or if it has a particular form that it requires for disputing the accounts or transactions resulting from identity theft.
 - Ask the company for the specific address to which the dispute letter (or, if applicable, the Identity Theft Report) should be sent.
- Mail the company a follow-up letter identifying the identity theft-related activity, accompanied by an Identity Theft Affidavit or Report and proof of identity. The letter should ask the company to close the account, absolve the victim of all associated debts, cease reporting the fraudulent activity to the CRAs, and not sell or transfer the disputed debt. All disputes should be sent by certified mail, return receipt requested.
- Change passwords on all existing accounts.

Obtaining Documents

- Request that the companies provide all documents underlying the fraudulent transactions, as provided under section 609(e) of the FCRA. (See [Section III.E.](#) for information on making document requests.)
 - Ask the company if there is a specific address to which this document request should be sent.

Obtaining Release Letters

- Request a letter from each company stating that the company has closed the disputed account(s) and has discharged the fraudulent debts.
- Confirm that each company provided a discharge letter.

3: Using Resources from the Federal Trade Commission

- **Filing a Complaint**
- **Obtaining a Printed Identity Theft Affidavit**

Filing a Complaint

- Before filing a complaint with the FTC, compile all of the documentation she is able to obtain regarding the details of the crime.
 - Note: Assemble credit reports and all relevant business documents including bills or dunning notices for debts that the thief incurred,

merchandise or payment cards ordered by the thief that were shipped to the victim's home, and any information about any other unusual uses of the victim's personal information.

- Review the credit reports and other documentation for information about the misuse of her identity.
 - The FTC complaint asks for information such as:
 - information that would help identify the thief (name, mailing address, telephone number, etc.);
 - the estimated date her personal information was stolen;
 - the name of each company or institution where the thief committed fraud using her personal information, the type of account or transaction involved, and the relevant account or transaction number(s), if any;
 - relevant dates for loss of data, misuse by the thief, or other events;
 - the estimated value of what the thief obtained by using her information at each institution or entity;
 - erroneous changes or additions to her personal information, such a new address being added; and
 - inquiries on her credit report from potential creditors, insurers, employers, landlords or others for suspect transactions.

Obtaining a Printed Identity Theft Affidavit

- Where new accounts have been opened in the victim's name, an FTC ID Theft Affidavit is accepted by many companies to prove that the victim did not open the account and is not responsible for the debt. Some companies, however, require the victim to use that company's own Affidavit. The victim should check with each company to see if it accepts the FTC Affidavit when she first calls the company.
- To create an FTC Affidavit with most of the information filled in, enter the relevant information online through the guided interview process at <https://www.ftccomplaintassistant.gov/> and print out a copy. (It will be printed as an Identity Theft Affidavit.)
 - If your client does not have access to a computer, you should help her complete the online form at your office.

Important Note: You must print the complaint as soon as you complete it. The document cannot be saved and printed at a later time. Therefore, be sure that you have a printer attached to the computer. Complaints phoned in to the FTC ID Theft Hotline cannot be printed out and mailed to the victim. A blank copy of the Affidavit may be printed out from the Internet. It can be found at <http://www.ftc/bcp/edu/resources/forms/affidavit.pdf>.

4: Law Enforcement

- **Filing a Report**
- **Obtaining an Identity Theft Report**

Filing a Report

- Contact the police by phone to make an initial report of the crime.
 - Note: The victim should offer to provide any information about the crime that the police want at that time.

- Tell the officer that she needs to obtain a copy of the official police report containing as much detail as possible about the crime. Make an appointment to come to the station in-person to file and get a copy of the official police report.
 - Note: The appointment should be set for a time by which the victim will have obtained and reviewed her credit reports and gathered her documentation. These documents will help the victim present the full extent of the crime.

- Assemble a file to take to the police, containing copies of the following documents, where possible:
 - a completed [Identity Theft Affidavit Form](#);
 - an [Action Log](#);
 - credit reports (at least one) and any other documents related to the misuse of her identity;
 - proof of her identity such as a government-issued ID card; and
 - proof of her residency at the time the thief misused her information, such as a bank statement or utility bill.

Obtaining an Official Police Report that can be Used as an Identity Theft Report

- Meet in-person with the police to file the detailed police report.
 - Have the police officer sign the victim's Identity Theft Affidavit and attach it to the Official Police Report.
 - If the police will not include the Affidavit with their official report, ensure that the Official Police Report contains sufficient detail to verify the victim's allegations of the crime, such as institution names and account numbers, dates related to the theft and misuse of the victim's identity, and information the victim might have about the identity of the thief.

- Obtain a copy of the Official Police Report.
 - Note: The victim may wish to bring a copy of the *FTC Staff Memorandum to Police on the Importance of Taking Identity Theft Police Reports* found at [Appendix D.7](#). of this guide. The victim may also want give the police a copy of the sample letter for law enforcement, at [Appendix C.8.b.](#), that they could use as a cover letter to obtain identity theft-related documents from companies without a subpoena under section 609(e) of the FCRA.