

# WHAT TO DO WHEN THERE'S MORE THAN ONE YOU



**JIM HOOD**  
ATTORNEY GENERAL  
STATE OF MISSISSIPPI



## *Identity* **Theft**

OFFICE OF THE ATTORNEY GENERAL  
CONSUMER PROTECTION DIVISION  
POST OFFICE BOX 22947  
JACKSON, MS 39225-2947  
1-800-281-4418

STATE OF MISSISSIPPI



**JIM HOOD**  
ATTORNEY GENERAL

Dear Fellow Mississippian:

Identity theft is one of the fastest growing crimes in our country and in our state affecting many citizens and businesses annually. The costs of these crimes reach far beyond simple dollars and cents. We work diligently to build a good credit rating so that we can have financial freedom and stability. An unscrupulous criminal can quickly obtain our identifying information and destroy our credit by opening new accounts or charging to our existing accounts without our knowledge. Once victimized by identity theft, the consequences can follow you for months and even years.

Today's technology has in many ways provided a haven for identity thieves. Almost anything can be purchased over the telephone or by internet. Armed with the correct information, a criminal can charge huge amounts and remain almost invisible. Due to the rapid rise in these type crimes, I have made a concerted effort to build a program to combat these criminals.

I am proud to announce new legislation on identity theft. My office has implemented a program to provide helpful information and strong law enforcement. The more information you provide to us the better we will be able to assist you in tracking down and prosecuting the criminal who has tampered with your credit and your identity.

My goal is to help prevent future identity thefts and vigorously prosecute the criminals who profit from these crimes. More importantly, I am here to help you in clearing your good name. Please call our office of Consumer Protection at 601/359-4230 or toll free at 1-800-281-4418 with any information or questions you may have.

Sincerely yours,

A handwritten signature in black ink that reads "Jim Hood". The signature is written in a cursive, flowing style.

Jim Hood  
Attorney General



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## INTRODUCTION

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**I**dentify theft is the fastest growing white-collar crime in the United States today. It can be simply defined as the unauthorized access and/or use of your personal information for fraudulent purposes. The personal information used by identity thieves can be gathered in a variety of ways from theft of your wallet or purse to overhearing your Social Security number and name. While this may seem frightening, there are steps you can take to minimize the risk of your identity being stolen. This guide will illustrate the steps you can take to protect your information in an effort to prevent, and if necessary, recover from identity theft.



Additionally, the Federal Trade Commission (“FTC”) has developed a web-site to raise awareness of identity theft and to assist victims. It can be viewed at [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft).

## HOW IDENTITY THEFT OCCURS

**W**hile following the advice in this handbook and on the FTC’s ID theft web-site will minimize the chances that your personal information will be unlawfully and fraudulently used, there remains a very real chance that a determined identity thief may still access it. Below is a list of ways identity thieves acquire and use your information, though it is certainly not exclusive.

Identity thieves get your information by: stealing your wallet or purse, stealing your mail, completing a “change of address” form so you will not discover the theft, rummaging through your trash, fraudulently obtaining your credit report, stealing the information from your home or place of business, intercepting information you send over the Internet, and buying your information from an employee of a business that would have your personal information (such as a bank or any business at which you apply for credit). Once the identity thief has your information, he may use it in the following ways: calling the credit card companies with which you currently have an account and changing the billing address, opening new credit accounts in your name, establishing utility services in your name and failing to pay, opening bank accounts in your name and writing bad checks, draining your bank account by counterfeiting checks or debit cards, filing for bankruptcy under your name, or any number of other illegal actions.

## HOW TO AVOID IDENTITY THEFT

**T**otally avoiding identity theft may not be possible. If an identity thief is determined enough, he will eventually find some personal information and fraudulently use it. While it is certainly true that the identity thief can potentially be prosecuted under several Mississippi and federal laws, this threat does not always deter an identity thief. Once the damage is done to your credit and overall quality of life, it's too late. Following the suggestions below will greatly reduce the chance of your personal information being stolen.

## MINIMIZING YOUR RISK

**A**n identity thief's "stock in trade" is your information. Therefore, in order to protect yourself, you need to reduce the amount of information that can be easily stolen. To accomplish this, consider the following:

- Contact the three major credit reporting agencies -- Equifax Information Services, LLC, Experian ("TRW"), and TransUnion. Instruct them to remove your name from any marketing lists they control or develop. The result of this will be a reduction of the "pre-approved" credit offers you receive. Taken from your mail or from your garbage, these offers are routinely used by identity thieves to obtain credit cards in your name.
- Once a year, order your credit report from each of the three major credit bureaus. Look for any credit accounts that look suspicious or that you don't remember opening. Actively monitoring your credit report is one of the most important steps in protecting your financial identity.

| Credit Bureau   | Report Consumer Fraud   | Request Credit Report   | Get Off Mailing Lists   |
|---|---|---|---|
| <b>Equifax Information Services, LLC</b><br>P.O. Box 740241<br>Atlanta, GA 30374-0241<br><a href="http://www.equifax.com">www.equifax.com</a> | Call 1-800-525-6285 and write to address at left  | Call 1-800-685-1111 or write to address at left                             | Call 1-888-567-8688 and write to address at left                              |
| <b>Experian ("TRW")</b><br>P.O. Box 2104<br>Allen, TX 75013-2104<br><a href="http://www.experian.com">www.experian.com</a>                    | Call 1-888-397-3742 and write to:<br>P.O. Box 9532<br>Allen, TX 75013-9532                                    | Call 1-888-397-3742 or write to:<br>P.O. Box 2104<br>Allen, TX 75013-2104   | Call 1-888-567-8688   |
| <b>TransUnion</b><br>P.O. Box 2000<br>Chester, PA 19022-2000<br><a href="http://www.transunion.com">www.transunion.com</a>                    | Call 1-800-680-7289 and write to:<br>Fraud Victim Asst.<br>Dept.<br>P.O. Box 6790<br>Fullerton, CA 92834-6790 | Call 1-800-888-4213 or write to:<br>P.O. Box 1000<br>Chester, PA 19022-1000 | Call 1-888-567-8688 and write to:<br>P.O. Box 97328<br>Jackson, MS 39288-7328 |

- Remove your personal information from several mailing and telephone lists through Direct Marketing Association's Mail Preference Service and Telephone Preference Service. This is a free service for individuals and home addresses but it only lasts for five years. As a result, you must renew your request every five years.

To remove your name and address from national mailing lists, write to:

**DMA MAIL PREFERENCE SERVICE**  
**PREFERENCE SERVICE MANAGER**  
**1120 AVENUE OF THE AMERICAS**  
**NEW YORK, NY 10036-6700**  
[www.the-dma.org](http://www.the-dma.org)

To remove your name from telephone solicitation lists, write to:

**DMA TELEPHONE PREFERENCE SERVICE**  
**PREFERENCE SERVICE MANAGER**  
**1120 AVENUE OF THE AMERICAS**  
**NEW YORK, NY 10036-6700**  
[www.the-dma.org](http://www.the-dma.org)

To remove your e-mail address from several national direct e-mail lists, visit:

[www.e-mps.org](http://www.e-mps.org)

- Contact your local telephone service and request that your personal information, such as your name, address, and phone number, be removed from the telephone book, reverse directories, and city directories. While there is usually a small fee, removing your information reduces the chance that a potential identity thief will access it.
- Instruct the Mississippi Department of Public Safety, Driver Services Bureau to replace your Social Security number with an alternate number on your driver's license. Although Mississippi does require you to disclose your Social Security number to the Mississippi Department of Public Safety, Driver Services Bureau for identification purposes, you do have the option of removing your Social Security number from your driver's license. (*Mississippi Code Annotated Section 63-1-35*). Also, consider placing your thumb print on your driver's license.
- Either install a locked mailbox at your residence or use a post office box. Promptly retrieve mail from your mailbox. If you will be away from home, contact your local post office and request a vacation hold. When you return, retrieve your mail at the post office.
- When ordering new checks, consider removing all nonessential information. Remove information such as your Social Security number or assigned driver's license number, your middle name or initial, and your phone number. Ideally, your checks should only contain your first initial, last name, and address.
- When making a credit card payment or paying bills, do not leave the envelopes in your mailbox for the postal carrier to pick up. Drop your bills at your post office or in a secure drop box. Because there is a risk of vandalism and theft, the safest option is to drop your more sensitive items, such as tax returns and bills, at the post office.





- Before revealing any personal information to financial institutions or other businesses, find out how it will be used and if it will be kept confidential.
- Pay close attention to your billing cycles. Know when your bills are due to arrive. Contact the appropriate creditor if one is late. A missing or late bill could indicate that an identity thief has changed the billing address.
- Reduce the number of your credit cards to a bare minimum. Cancel any accounts you do not use. Ideally, you should only carry one or two credit cards in your purse or wallet.
- Keep a list of all pertinent information pertaining to your credit cards in a secure place. This list should include your account numbers, expiration dates, and telephone numbers of the customer service and fraud departments of your cards.
- Unless you initiate the call and have a trusted business relationship with the business, never give your credit card or other personal information over the phone. Many identity thieves pose as legitimate businesses in an effort to acquire personal information. This also applies to the Internet. Make sure you know to whom you're sending your information.
- Always take credit card, debit card, ATM, and other receipts which contain personal information rather than throwing them away in a public container.
- Shred receipts and other documents that may contain personal information before throwing them away at home.
- Shred any pre-approved credit offers or convenience checks which you do not plan to use.
- If you would like to decline pre-screened credit card offers completely, call: 1-888-567-8688. All three major credit bureaus use this number.
- When creating passwords or PINs do not use anything that would be easy for identity thieves to discover. Examples include your birth date, the last four digits of your Social Security number, and your address.
- Memorize all your passwords and PINs and shield your hand when using them in public. If you must write your passwords and PIN, keep the list in a secure place. Never place it in your wallet or purse. If your wallet or purse is stolen, not only does the thief have your credit cards and ATM/debit card, but also your passwords.

- Only release your Social Security number when absolutely necessary or required by law. Some instances when disclosure is required by law include, but are not limited to, tax forms, employment records, bank/stock/property transactions, and marriage applications.
- If private businesses ask for your Social Security number ask the following questions:
  1. *Why do you want my Social Security number?*
  2. *How will my Social Security number be used?*
  3. *What law requires me to give you my Social Security number?*
  4. *What will happen if I don't give you my Social Security number?*

Some businesses want your Social Security number for legitimate business purposes. Others want it for general record keeping. Remember, the choice to give it is yours.

- Do not have your Social Security number printed on your checks. Also, ask that merchants who want your Social Security number for identification purposes not write that information on your check. Ask to use your assigned driver's license number as a substitute.
- Do not carry your Social Security number card with you. Keep it in a secure location.
- Once every three years order a copy of your Personal Earnings and Benefit Estimate Statement ("PEBES") (SSA-7004) from the Social Security Administration to check for inaccuracies or fraud. To make the request contact:

**OFFICE OF PUBLIC INQUIRIES**

**1-800-772-1213**

[www.ssa.gov](http://www.ssa.gov)

- When dealing with businesses which must have your personal information, ask them how they store/dispose of documents which contain your personal information. If they do not store them in a locked, or otherwise sufficiently secure location or shred them, consider doing business elsewhere. As noted earlier, one way identity thieves gain access to your sensitive information is by paying employees or others with access to it. If a business doesn't secure or dispose of your information adequately, it would be easy for an unscrupulous employee to access it.

## IF YOU ARE A VICTIM

**E**ven if you follow every suggestion above, there is still a chance that an identity thief will acquire your personal information and use it to commit fraud or theft. If you believe you are a victim of identity theft, it is very important to take immediate action. The exact steps you should take will vary slightly depending on your situation. However, there are some basic actions that should be taken in every case.

In all business matters, keep a record of your conversations and correspondence for future reference. Your record should include the dates, names, and telephone numbers of those with whom you have conversations. It should also include the time spent and costs incurred. Confirm all conversations in writing and send all correspondence by certified mail (return receipt requested). Keep copies of all letters and documents. The reason for keeping such detailed records is that, while identity theft is a "crime" that law enforcement officials can prosecute, they cannot clean up the financial problems created by the theft/fraud. Therefore, it is important for you to keep track of what has been fixed, what hasn't, and everything in between. Finally, be patient. The process of restoring your credit and correcting other problems created by the theft and fraudulent use of your identity can take months and in some severe cases years to correct.



## YOUR FIRST STEPS

**F**irst, contact the appropriate police and sheriff departments in the vicinity where you believe the theft occurred. Give as much documented evidence as possible and get a copy of the completed police report. Keep the report and the number of your fraud investigator handy for creditors and others who require verification of your case. Additionally, banks and credit card companies may require you to supply a copy of the police report to verify the crime.

If you need assistance in obtaining the telephone number and address of your local sheriff or police, the Attorney General's Office can assist you. For thefts that occurred outside of Mississippi, your local sheriff, police, or the Attorney General's Office may be able to help you locate the number and address of counterparts in other states.

**Second, contact any creditors of the accounts that you believe have been tampered with or fraudulently opened.** This includes checking and savings accounts, credit cards, debit cards, utility accounts, telephone accounts, or any other credit account. Ask to speak with someone in the security or fraud department of each creditor and follow the conversation with a letter summarizing the conversation, accompanied by a copy of your police report(s). Stop payment of any checks that may have been written without your knowledge or permission. Close any credit card accounts and any account accessible by a debit card and ask that the old accounts be processed as "account closed at consumer's request," rather than "card lost or stolen." This is because the latter may be interpreted by the credit bureaus as fault on your part. Open new accounts protected by passwords and/or PINs. Do not use the same passwords or PINs as the original account and consider not using the same password or PIN for every newly opened account. When creating the new passwords and/or PINs, do not use common or easily discoverable information such as birth dates, parts of your Social Security number, or the name of your child, spouse, or pet.

*The Federal Truth in Lending Act* generally limits your liability for unauthorized credit card charges to \$50.00 per card. It is extremely important that you notify each creditor in writing within 60 days of when you *should have received* the billing statement that contains the fraudulent charges, as the law that limits your liability requires such.

Request that each creditor send you a copy of all fraudulent applications and statements of incurred charges. Information contained on these documents may be helpful to you in disputing the charges and to law enforcement in discovering and locating the thief. The creditor should readily provide such documents, but if they resist, contact your local police or sheriff's department for assistance.

Lastly, be aware that the law does not require a *notarized* affidavit be produced to banks or creditors. Unless the bank or creditor offers to pay for the notary service, a written statement and supporting documents should be sufficient. Overly burdensome requirements by banks and creditors should be reported to the government authority that regulates the credit card issuer.

Third, contact the fraud department of at least one of the three major credit bureaus, preferably all three. (See page 3 for address and numbers.) Ask the credit bureaus to place a “fraud alert” on your file. Also, ask that a “victim’s statement” be placed in your file requesting that creditors contact you before opening new accounts or changing existing ones. Request, in writing, a copy of your credit report from each credit bureau. Credit bureaus are required to provide you with one free copy of your credit report during any 12-month period if you have reason to believe that the report contains inaccurate information due to fraud. Any additional copy of your credit report should not cost over \$8.00 per copy, and this fee is usually waived. Review your credit reports carefully and report any additional fraudulent or unauthorized accounts or changes.

Request, in writing, that the credit bureaus provide you with the names and phone numbers of credit grantors with whom fraudulent accounts have been opened. Request, in writing, that the credit bureaus remove “inquiries” listed on your credit reports that have been generated due to fraudulent access. Request, in writing, that all fraudulent information and inquiries be permanently removed from your credit report. Lastly, ask the credit bureaus to notify those who have received your credit report in the last six months to alert them to the disputed and erroneous information.

Fourth, file a report with the Federal Trade Commission. Visit [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft) or call the FTC’s Identity Theft Hotline toll-free at 1-877-IDTHEFT (438-4338). The FTC uses the information you give them, along with information from other identity theft victims, to develop trends and statistics that assist federal and state law enforcement agencies to investigate and prosecute identity theft. Also, your information enables policymakers to better understand identity theft, so that they may craft more effective laws.

Fifth, complete the “ID Theft Affidavit” beginning on page 25. Once completed, mail the affidavit to Office of the Attorney General, Consumer Protection Division, P.O. Box 22947, Jackson, MS 39225-2947. It is imperative that you complete the affidavit as soon as possible and return it to the address above, as the Office of the Attorney General cannot begin an investigation until your affidavit is received. Also, be certain the information on the affidavit is as complete and accurate as possible.

## OTHER STEPS YOU SHOULD CONSIDER

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### STOLEN CHECKS

If you have had checks stolen or bank accounts fraudulently opened, immediately report it to your bank and to the check verification companies below. Again, put a stop payment on any outstanding checks if you are unsure of their validity.

| Check Verification Company | Telephone Number | Mailing Address                                      |
|----------------------------|------------------|--|
| Checkrite                  | 1-800-766-2748   | P.O. Box 66178<br>Chicago, IL 60666                  |
| Chexsystems                | 1-800-428-9623   | 7805 Hudson Road, Suite 100<br>Woodbury, MN 55125    |
| Certegy Check Services     | 1-800-437-5120   | 11601 N. Roosevelt Blvd.<br>St. Petersburg, FL 33716 |
| Telecheck                  | 1-800-710-9898   | P.O. Box 4451<br>Houston, TX 77210                   |

### NOTIFY THE POST OFFICE

If you believe your mail has been stolen or diverted with a false change-of-address request, contact your local postal inspector. You can obtain the address and telephone number of your local postal inspector by visiting the United States Postal Service web site at [www.usps.com/ncsc/locators/find-is.html](http://www.usps.com/ncsc/locators/find-is.html).



## NOTIFY THE DEPARTMENT OF STATE

If your passport has been stolen, notify the passport office in writing to be on guard for anyone ordering a new passport in your name. You should request a *Department of State Form #DSP-64*. Complete the form, keep a copy, and return the original. Contact them at:

**U.S. DEPARTMENT OF STATE, PASSPORT SERVICES  
CONSULAR LOST/STOLEN PASSPORT SECTION  
1111 19<sup>TH</sup> STREET, N.W., SUITE 500  
WASHINGTON, D.C. 20036  
202-955-0430**

## NOTIFY THE SOCIAL SECURITY ADMINISTRATION

If you suspect that someone is using your social security number to obtain credit or employment, contact the Social Security Administration's ("SSA") fraud hotline at 1-800-269-0271. Also, order a copy of your PEBES and check it for accuracy. See contact information for the SSA on page 6.

## INVESTMENT ACCOUNTS

If you believe that an identity thief has tampered with your securities investments or a brokerage account, immediately report it to your broker or account manager and to the Securities and Exchange Commission. To file a detailed complaint with the SEC, visit [www.sec.gov/complaint.shtml](http://www.sec.gov/complaint.shtml) or write to:

**SEC OFFICE OF INVESTOR EDUCATION AND ASSISTANCE  
450 FIFTH STREET, NW  
WASHINGTON, D.C. 20549**

## BANKRUPTCY

If you believe someone has filed for bankruptcy using your name, write to the U.S. Trustee in the region where the bankruptcy was filed. Your letter should describe the situation and provide proof of your identity. A listing of the U.S. Trustee Program's Regions can be found at [www.usdoj.gov/ust](http://www.usdoj.gov/ust), or look in the Blue Pages of your phone book under U.S. Government - Bankruptcy Administration. For bankruptcies filed in Mississippi the U.S. Trustee's address is:

**RONALD H. MCALPIN, ASSISTANT U.S. TRUSTEE**  
**100 W. CAPITOL ST, SUITE 706**  
**JACKSON, MS 39269**  
**601-965-5241**

## CRIMINAL CHARGES/ARRESTS

In rare instances an identity thief may create a criminal record under your name. If this happens, you may need to hire an attorney to help resolve the problem. Under Mississippi law, you may file a petition for expunction with the proper court to clear your name and identity of any false charges. Once the court issues a court order expunging your record, you may send a certified copy of the court order to the Attorney General. He may issue an "Identity Theft Passport" verifying that such an order has been entered. You may send the certified copy of the court order to:

**OFFICE OF THE ATTORNEY GENERAL**  
**CONSUMER PROTECTION DIVISION**  
**P.O. BOX 22947**  
**JACKSON, MS 39225-2947**





## INCOME TAX FRAUD

Any fraudulent use of another person's Social Security number, including dependents' Social Security numbers, to obtain an income tax refund should be reported to 1-800-829-0433. Written correspondence should be mailed to:

**INTERNAL REVENUE SERVICE  
ATLANTA, GA 39901**

## INSURANCE COVERAGE

You may want to consult your insurance agent to determine whether your losses are covered by household or other insurance policies.

## LEGAL HELP

You may want to consult a private attorney to determine what legal action to take, if any, against credit grantors and/or credit bureaus if they are not cooperative in removing fraudulent entries from your credit report, or if their negligence is a factor. An attorney can help you recover from the fraud and determine whether your rights under various credit, banking, Social Security, and other laws have been violated. Usually, the best referral will come from a trusted friend or family member. If you are unable to locate a suitable attorney, there are several online resources which can assist. For a general roster of practicing lawyers in Mississippi visit [www.msbar.org](http://www.msbar.org). For more specific listings according to expertise, visit [www.mslawyer.com](http://www.mslawyer.com), [www.findlaw.com](http://www.findlaw.com), [www.lawyers.com](http://www.lawyers.com), or look in the phone book.

## RESOLVING CREDIT PROBLEMS

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While resolving credit problems resulting from identity theft can be time consuming and frustrating, the good news is that there are procedures under federal laws for correcting credit report and billing errors, and stopping debt collectors from contacting you about debts you don't owe. Here is a brief summary of your rights and what to do to clear up credit problems that result from identity theft.

### CREDIT REPORTS

*The Fair Credit Reporting Act ("FCRA")* establishes procedures for correcting mistakes on your credit report and requires that your report be made available only for certain legitimate business needs.

Under the FCRA, both the credit bureau and the organization that provided the information to the credit bureau (the "information provider"), such as a bank or credit card company, are responsible for correcting inaccurate or incomplete information in your report. To protect your rights under the law, contact both the credit bureau and the information provider. It's very important to follow the procedures outlined below.



Otherwise you won't have any legal recourse if you have a future dispute with the credit bureau or an information provider about inaccurate information that should be blocked from your report.

First, call the credit bureau and follow up in writing. Tell them what information you believe is inaccurate. Include copies (NOT originals) of documents that support your position. If you don't have any paperwork from the creditor, send a copy of the police report and the *ID Theft Affidavit* (in the following Appendix). In addition to providing your complete name and address, your letter should clearly identify each disputed item in your report; include the facts and an explanation of why you dispute the information. Request deletion or correction. You may want to enclose a copy of your report with circles around the items in question. Your letter may look something like the sample provided. Send your letter by certified mail, return receipt requested, so you can document what the credit bureau received and when. Keep copies of your dispute letter and enclosures.

The credit bureau's investigation must be completed within 30 days (45 days if you provide additional documents). If the credit bureau considers your dispute frivolous (which may mean it believes you didn't provide enough documentation to support your claim), it must tell you so within five business days. Otherwise, it must forward all relevant documents you provide about the dispute to the information provider. The information provider then must investigate, review all relevant information provided by the credit bureau, and report the results to the credit bureau. If the

information provider finds the disputed information to be inaccurate, it must notify any nationwide credit bureau to which it reports, so that the credit bureau can correct this information in your file.

Note that:

- Disputed information that cannot be verified must be deleted from your file.
- If your report contains erroneous information, the credit bureau must correct it.
- If an item is incomplete, the credit bureau must complete it. For example, if your file shows that you have been late making payments, but fails to show that you are no longer delinquent, the credit bureau must show that your payments are current.
- If your file shows an account that belongs to someone else, the credit bureau must delete it.

When the investigation is complete, the credit bureau must give you the written results and, if the dispute results in a change, a free copy of your report. If an item is changed or removed, the credit bureau cannot put the disputed information back in your file unless the information provider verifies its accuracy and completeness, and the credit bureau gives you a written notice that includes the name, address and phone number of the information provider.

If you ask, the credit bureau must send notices of corrections to anyone who received your report during the past six months. Job applicants can have a corrected copy of their report sent to anyone who received a copy during the past two years for employment purposes. If an investigation does not resolve your dispute, ask the credit bureau to include a 100-word statement of the dispute in your file and in future reports.

Second, in addition to writing to the credit bureau, write to the creditor or other information provider to advise them that you dispute an item. Again, include copies (NOT originals) of documents that support your position, like your police report and the *ID Theft Affidavit*. Many information providers specify an address for disputes. If the information provider then reports the disputed item(s) to a credit bureau, it must include a notice of your dispute. If you're correct that the disputed information is inaccurate, the information provider may not use it again.

For more information, see *How to Dispute Credit Report Errors and Fair Credit Reporting*, from the FTC at [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft).

## CREDIT CARDS



In most cases, the *Truth in Lending Act* limits your liability for unauthorized credit card charges to \$50 per card. *The Fair Credit Billing Act* (“FCBA”) establishes procedures for resolving billing errors on your credit card accounts. This includes fraudulent charges on your accounts.

To take advantage of consumer protection laws, you must:

- Write to the creditor at the address given for “billing inquiries,” not the address for sending your payments. Include your name, address, account number and a description of the fraudulent charge, including the amount and date of the error. Your letter may look something like the sample on page 22.
- Send your letter so that it reaches the creditor within 60 days from when the first bill containing the fraudulent charge was mailed to you. If the address on your account was changed by an identity thief and you never received the bill, your dispute letter still must reach the creditor within 60 days of when the bill would have been mailed to you. This is why it’s so important to keep track of your billing statements, and immediately follow up when your bills don’t arrive on time.
- Send your letter by certified mail, return receipt requested. This will be your proof of the date the creditor received the letter. Include copies (NOT originals) of sales slips or other documents that support your position. Keep a copy of your dispute letter.

The creditor must acknowledge your complaint in writing within 30 days after receiving it, unless the problem has been resolved. The creditor must resolve the dispute within two billing cycles (but not more than 90 days) after receiving your letter.

For more information, see *Fair Credit Billing and Avoiding Credit and Charge Card Fraud*, from the FTC at [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft).

## DEBT COLLECTORS

*The Fair Debt Collection Practices Act* prohibits debt collectors from using unfair or deceptive practices to collect overdue bills that a creditor has forwarded for collection.

You can stop a debt collector from contacting you by writing a letter to the collection agency telling them to stop. Once the debt collector receives your letter, the company may not contact you again — with two exceptions: they can tell you there will be no further contact and they can tell you that the debt collector or the creditor intends to take some specific action.

A collector also may not contact you if, within 30 days after you receive the written notice, you send the collection agency a letter stating you do not owe the money.

Although your letter should stop the debt collector's calls and dunning notices, it will not necessarily get rid of the debt itself, which may still turn up on your credit report.

A collector can renew collection activities if you're sent proof of the debt. So, along with your letter stating you don't owe the money, include copies of documents that support your position.

If you're a victim of identity theft, include a copy (NOT the original) of the police report. If you don't have documentation to support your position, be as specific as possible about why the debt collector is mistaken.

The debt collector is responsible for sending you proof that you're wrong. For example, if the debt in dispute originates from a credit card for which you never applied, ask for the actual application containing the applicant's signature. You can then prove that it's not your signature on the application. In many cases the debt collector will not send you any proof, but will instead return the debt to the creditor.

For more information, see *Fair Debt Collection* from the FTC at [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft).

## ATM CARDS, DEBIT CARDS AND ELECTRONIC FUND TRANSFERS

*The Electronic Fund Transfer Act* provides consumer protections for transactions involving an ATM or debit card or any other electronic way to debit or credit an account. It also limits your liability for unauthorized electronic fund transfers.

It's important to report lost or stolen ATM and debit cards immediately because the amount for which you can be held responsible depends on how quickly you report the loss.

- If you report your ATM card lost or stolen within two business days of discovering the loss or theft, your losses are limited to \$50.
- If you report your ATM card lost or stolen after the two business days, but within 60 days after a statement showing an unauthorized electronic fund transfer, you can be liable for up to \$500 of what a thief withdraws.
- If you wait more than 60 days, you could lose all the money that was taken from your account from the end of the 60 days to the time you reported your card missing.

The best way to protect yourself in the event of an error or fraudulent transaction is to call the financial institution and follow up in writing — by certified letter, return receipt requested — so you can prove when the institution received your letter. Keep a copy of the letter you send for your records.

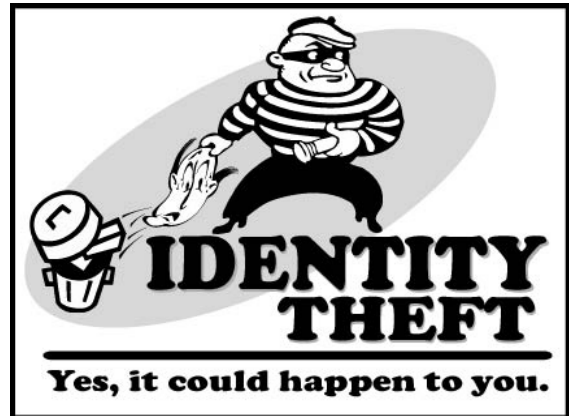
After receiving notification about an error on your statement, the financial institution generally has 10 business days to investigate. The institution must tell you the results of its investigation within three business days after completing it and must correct an error within one business day after determining that the error has occurred. If the institution needs more time, it may take up to 45 days to complete the investigation — but only if the money in dispute is returned to your account and you are notified promptly of the credit. At the end of the investigation, if no error has been found, the institution may take the money back if it sends you a written explanation.

**Note:** VISA and MasterCard voluntarily have agreed to limit consumers' liability for unauthorized use of their debit cards in most instances to \$50 per card, no matter how much time has elapsed since the discovery of the loss or theft of the card.

For more information, see *Electronic Banking and Credit, ATM and Debit Cards: What to Do If They're Lost or Stolen*, a consumer publication from the FTC at [www.consumer.gov/idtheft](http://www.consumer.gov/idtheft).

## PROVING YOU'RE A VICTIM, NOT A DEADBEAT

Unlike victims of other crimes, who generally are treated with respect and sympathy, identity theft victims often find themselves having to prove that they're victims, too — not deadbeats trying to get out of paying bad debts. So how do you go about proving something you didn't do? Getting the right documents and getting them to the right people are key.



### THE POLICE REPORT

If you have a police report, send a copy to Experian, Equifax and TransUnion. They will block the information you're disputing from your credit reports. This may take up to 30 days. The credit bureaus have the right to remove the block, if they believe it was wrongly placed.

### THE ID THEFT AFFIDAVIT

Since you didn't open the accounts in dispute or run up the related debts, of course you don't have any paperwork showing you didn't do those things. That's where the *ID Theft Affidavit* can be very helpful. The FTC, in conjunction with banks, credit grantors and consumer advocates, developed the *ID Theft Affidavit* (see the following Appendix) to help you close unauthorized accounts and get rid of debts wrongfully attributed to your name. If you don't have a police report or any paperwork from creditors, send the completed *ID Theft Affidavit* to the three major credit bureaus. They will use it to start the dispute investigation process. Not all companies accept the *ID Theft Affidavit*. They may require you to use their forms instead. Check first.

### CREDITOR DOCUMENTATION

Getting documentation from a creditor may be difficult. Creditors' policies on confidentiality and record keeping vary and may prevent you from getting the paperwork you need to prove you didn't make the transaction. On the upside, most victims can get accounts closed and debts dismissed by completing the creditor's fraud paperwork or the *ID Theft Affidavit* and including a copy of your police report. Insist on a letter from the creditor stating that they have closed the disputed accounts and have discharged you of the fraudulent debts. This letter is your best defense if errors reappear or your personal information gets re-circulated. This letter is also the best document to give credit bureaus and debt collectors if your police report and *ID Theft Affidavit* aren't enough to resolve your problems with them.

## DON'T GIVE UP

Remember, you are generally not responsible for any bill, portion of a bill, or checks written or cashed as a result of identity theft. Your credit rating should not be permanently affected, and no legal action should be taken against you. If any merchant, financial institution, or collection agency suggests otherwise, simply restate your willingness to cooperate, but do not allow anyone to coerce you into paying a fraudulent debt.

All Mississippians should be aware of the increasingly widespread problem of identity theft. The Office of the Attorney General has produced this guide to assist you in preventing becoming a victim of identity theft. Should you become a victim, this guide can help you regain your good name and credit record. If you would like further information, please write to the Mississippi Attorney General's Office, Consumer Protection Division, P.O. Box 22947, Jackson, MS 39225 or call 1-800-281-4418 or 1-601-359-4230.



APPENDIX

*Identity*  
**Theft**

## SAMPLE DISPUTE LETTER — CREDIT BUREAU

Date

Your Name

Your Address

Your City, State, Zip Code

Complaint Department

Name of Credit Bureau

Address

City, State, Zip Code

Dear Sir or Madam:

I am writing to dispute the following information in my file. The items I dispute also are circled on the attached copy of the report I received. (Identify item(s) disputed by name of source, such as creditors or tax court, and identify type of item, such as credit account, judgment, etc.)

I am a victim of identity theft and did not make the charge(s). I am requesting that the item be blocked to correct my credit report.

Enclosed are copies of (use this sentence if applicable and describe any enclosed documentation) supporting my position. Please investigate this (these) matter(s) and block the disputed item(s) as soon as possible.

Sincerely,

Your name

Enclosures: (List what you are enclosing.)

## SAMPLE DISPUTE LETTER — FOR EXISTING CREDIT ACCOUNTS

Date

Your Name

Your Address

Your City, State, Zip Code

Your Account Number

Name of Creditor

Billing Inquiries

Address

City, State, Zip Code

Dear Sir or Madam:

I am writing to dispute a fraudulent (charge or debit) attributed to my account in the amount of \$ \_\_\_\_\_. I am a victim of identity theft, and I did not make this (charge or debit). I am requesting that the (charge be removed or the debit reinstated), that any finance and other charges related to the fraudulent amount be credited as well, and that I receive an accurate statement.

Enclosed are copies of (use this sentence to describe any enclosed information, such as police report) supporting my position. Please investigate this matter and correct the fraudulent (charge or debit) as soon as possible.

Sincerely,

Your name

Enclosures: (List what you are enclosing.)

## INSTRUCTIONS FOR COMPLETING THE *ID THEFT AFFIDAVIT*

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To make certain that you do not become responsible for the debts incurred by the identity thief, you must provide proof that you did not create the debt where accounts were opened or used in your name.

A working group composed of credit grantors, consumer advocates and the Federal Trade Commission (FTC) developed this *ID Theft Affidavit* to help you report information to many companies using just one standard form. Use of this affidavit is optional for companies. While many companies accept this affidavit, others may require different forms. Before you send the affidavit, ask the company(ies) if this form is appropriate.

You may use this affidavit where a new account was opened in your name. The information will enable the companies to investigate the fraud and decide the outcome of your claim. (If someone made unauthorized charges to an existing account, call the company to find out what to do.)

This affidavit has two parts:

1. *ID Theft Affidavit* is where you report general information about yourself and the theft.
2. *Fraudulent Account Statement* is where you describe the fraudulent account(s) opened in your name. Use a separate *Fraudulent Account Statement* for each company you need to write to.

When you send the affidavit to the companies, attach copies (NOT originals) of any supporting documents (for example, driver's license, police report) you have. Before submitting your affidavit, review the disputed account(s) with family members or friends who may have information about the account(s) or access to them.

Complete this affidavit as soon as possible. Many creditors ask that you send it within two weeks of receiving it. Delaying could hinder the investigation.

Be as accurate and complete as possible and print clearly. You may choose not to provide some of the information requested; however, incorrect or incomplete information will impede the investigation of your claim.

When you have completed the affidavit, mail a copy to each creditor, bank or company that provided the thief with the unauthorized credit, goods or services you claim. Attach to each affidavit a

copy of the *Fraudulent Account Statement* with information only on accounts opened at the institution receiving the packet, as well as any other supporting documentation.

Send the appropriate documents to each company by certified mail, return receipt requested, so you have proof of receipt. The companies will review your claim and send you a written response telling you the outcome of their investigation. Keep a copy of everything you submit for your records.

If you cannot complete the affidavit, a legal guardian or someone with power of attorney may complete it for you. Except as noted, the information you provide will be used only by the company to process your affidavit, investigate the events you report and help stop further fraud. If this affidavit is requested in a lawsuit, the company might have to provide it to the requesting party.

**Completing this affidavit does not guarantee that the identity thief will be prosecuted or that the debt will be cleared.**

## ID THEFT AFFIDAVIT

1. My full legal name is \_\_\_\_\_  
(First) (Middle) (Last) (Jr., Sr., III)
2. (If different from above) When the events described in this affidavit took place, I was known as \_\_\_\_\_  
(First) (Middle) (Last) (Jr., Sr., III)
3. My date of birth is \_\_\_\_\_  
(day/month/year)
4. My Social Security number is \_\_\_\_\_
5. My driver's license or identification card state and number are \_\_\_\_\_  
\_\_\_\_\_
6. My current address is \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_
7. I have lived at this address since \_\_\_\_\_  
(month/year)
8. (If different from above) When the events described in this affidavit took place, my address was \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_
9. I lived at the address in Item 8 from \_\_\_\_\_ (month/year) until \_\_\_\_\_ (month/year)
10. My daytime telephone number is (\_\_\_\_) \_\_\_\_\_  
My evening telephone number is (\_\_\_\_) \_\_\_\_\_

## HOW THE FRAUD OCCURRED

Check all that apply for items 11 - 17:

- ( ) 11. I did not authorize anyone to use my name or personal information to seek the money, credit, loans, goods or services described in this report.
- ( ) 12. I did not receive any benefit, money, goods or services as a result of the events described in this report.
- ( ) 13. My identification documents (for example, credit cards; birth certificate; driver's license; social security card; etc.) were ( ) stolen ( ) lost on or about \_\_\_\_\_ . (day/month/year)
- ( ) 14. To the best of my knowledge and belief, the following person(s) used my information (for example, my name, address, date of birth, existing account numbers, Social Security number, mother's maiden name, etc.) or identification documents to get money, credit, loans, goods or services without my knowledge or authorization:

|  |  |
|--|--|
| _____<br>Name (if known)                   | _____<br>Name (if known)                   |
| _____<br>Address (if known)                | _____<br>Address (if known)                |
| _____<br>Phone Number(s) (if known)        | _____<br>Phone Number(s) (if known)        |
| _____<br>additional information (if known) | _____<br>additional information (if known) |
| _____                                      | _____                                      |
| _____                                      | _____                                      |

- ( ) 15. I do NOT know who used my information or identification documents to get money, credit, loans, goods or services without my knowledge or authorization.

16. Additional comments: (For example, description of the fraud, which documents or information was used or how the identity thief gained access to your information.)

---

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(Attach additional pages as necessary)

17. (check one) I  am  am not willing to assist in the prosecution of the person(s) who committed this fraud.

18. (check one) I  am  am not authorizing the release of this information to law enforcement for the purpose of assisting them in the investigation and prosecution of the person(s) who committed the fraud.

19. (check all that apply)

I  have  have not reported the events described in this affidavit to the police or other law enforcement agency.

The police  did  did not write a report. *In the event you have contacted the police or other law enforcement agency, please complete the following:*

---

(Agency #1)

---

(Officer/Agency personnel taking report)

---

(Date of report)

---

(Report number, if any)

---

(Phone number)

---

(email address, if any)



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(Agency #2)

---

(Officer/Agency personnel taking report)

---

(Date of report)

---

(Report number, if any)

---

(Phone number)

---

(email address, if any)

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## DOCUMENTATION CHECKLIST



Please indicate the supporting documentation you will provide to the companies you plan to notify. Attach copies (NOT originals) to the affidavit before sending it to the companies.

- ( ) 20. A copy of a valid government-issued photo-identification card (for example, your driver's license, state-issued ID card or your passport). If you are under 16 and do not have a photo-ID, you may submit a copy of your birth certificate or a copy of an official school document showing your enrollment and place of residence.
  
- ( ) 21. Proof of residency during the time the disputed bill occurred, the loan was made or the other event took place (for example, a rental/lease agreement in your name, a copy of a utility bill or a copy of an insurance bill).

- ( ) 22. A copy of the report you filed with the police or sheriff's department. By submitting this report to the Attorney General, I am also requesting an "Identity Theft Passport". If you are unable to obtain a report or report number from the police, please indicate that in Item 19. Some companies only need the report number, not a copy of the report. You may want to check with each company.
- ( ) 23. A certified copy of the court order I have obtained to expunge any charges, arrest record and/or conviction falsely entered against me. By submitting this court order to the Attorney General, I am also requesting an "Identity Theft Passport".

**SIGNATURE**

---

I declare under penalty of perjury that the information I have provided in this affidavit is true and correct to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

Knowingly submitting false information on this form could subject you to criminal prosecution for perjury.

\_\_\_\_\_  
Notary Public

[Check with each company. Creditors sometimes require notarization. If they do not, please have one witness (non-relative) sign below that you completed and signed this affidavit.]

Witness: \_\_\_\_\_

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Telephone No: \_\_\_\_\_

# FRAUDULENT ACCOUNT STATEMENT

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## COMPLETING THIS STATEMENT

- ☛ Make as many copies of this page as you need. **Complete a separate page for each company you are notifying and only send it to that company.** Include a copy of your signed affidavit.
- ☛ List only the account(s) you are disputing with the company receiving this form. **See the example below.**
- ☛ If a collection agency sent you a statement, letter or notice about the fraudulent account, attach a copy of that document (**NOT** the original).

I declare (check all that apply):

- ( ) As a result of the event(s) described in the *ID Theft Affidavit*, the following account(s) was/were opened at your company in my name without my knowledge, permission or authorization using my personal information or identifying documents:

| Creditor Name/Address (the company that opened the account or provided the goods or services) | Account Number           | Type of unauthorized credit/goods/ services provided by creditor (if known) | Date issued or opened (if known) | Amount/Value provided (the amount charged or the cost of the goods/services) |
|---|--------------------------|---|----------------------------------|--|
| (Example)<br>National Bank<br>22 Main Street<br>Columbus, Ohio 22722                          | (Example)<br>01234567-89 | (Example)<br>auto loan  | (Example)<br>01/05/2002          | (Example)<br>\$25,500.00   |
|   |                          |   |                                  |  |
|   |                          |   |                                  |  |

- ( ) During the time of the accounts described above, I had the following account open with your company:

Billing Name: \_\_\_\_\_ Account No: \_\_\_\_\_  
 Billing Address: \_\_\_\_\_ Telephone No: \_\_\_\_\_



**BANKS, CREDIT CARD ISSUERS AND OTHER CREDITORS** (Contact each creditor promptly to protect your legal rights.)

| Creditor | Address and Phone Number | Date Contacted | Contact Person | Comments |
|----------|--------------------------|----------------|----------------|----------|
|          |                          |                |                |          |
| - 32 -   |                          |                |                |          |
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|          |                          |                |                |          |



**JIM HOOD**  
ATTORNEY GENERAL



If you have any further questions or concerns,  
or if you would like additional information, please contact:

**MISSISSIPPI OFFICE OF THE ATTORNEY GENERAL**

CONSUMER PROTECTION DIVISION

POST OFFICE BOX 22947

JACKSON, MS 39225-2947

PHONE: 1-800-281-4418 • FAX: 1-601-359-4231