HoldenPolice
1370 Main Street • Holden, Massachusetts 01520 • (508) 829-4444 • Fax (508) 829-9175

Identity Theft Packet

This packet will provide victims with a list of resources and instructions when dealing with an identity theft situation. The Holden Police Department will assist victims associated with this crime, but unfortunately, the victims themselves are burdened with resolving their own credit problems. Victims of identity theft must act quickly and assertively to minimize the damage to their good name and credit history.

When dealing with the authorities and financial institutions, try to keep a log of all your conversations, including dates, times, names, and phone numbers. In this packet, there will be a worksheet for your convenience when logging this contact information. There will also be an id theft affidavit supplied by the Federal Trade Commission, which has been adapted by all financial and credit institutions when filing fraudulent activities to your personal accounts.

If you find that you're a victim of identity theft, we urge you to take the following steps immediately:

LEAPS Code HOD • NCIC MA014200
Dept. E-mail: holdenpd@townofholden.net • Chief's E-mail: sherrill@townofholden.net
Visit our Website: www.holdenpd.com

FACTA, The Fair and Accurate Credit Transactions Act

The Fair and Accurate Credit Transaction Act of 2003 (FACTA) added new sections to the federal Fair Credit Reporting Act (FCRA, 15 U.S.C. 1681 et seq.) intended primarily to help consumers fight the growing crime of identity theft. Accuracy, privacy, limits on information sharing, and new consumer rights to disclosure are included in FACTA. (Pub. L. 108-159, 111 Stat. 1952)

In response to new findings about identity theft, Congress adopted a number of provisions aimed at prevention and help for victims. The FTC recently published a revised guide for identity theft victims, which includes new FACTA provisions. *Take Charge: Fighting Back Against Identity Theft can* be found at **www.ftc.gov/bcp/conline/pubs/credit/idtheft.htm.** Facts on FACTA can also be found at, **http://www.privacyrights.org**

Some **key points** in this new FACTA Act are as follows:

A. Free Reports

The only way to get your free reports is through a centralized source, a combined effort by the three national bureaus. Free reports are available through a dedicated web site, **www.annualcreditreport.com**. You may order by telephone at (877) 322-8228 or by mail.

B. Fraud Alerts and Active Duty Alerts

If you are the victim of identity theft, FACTA gives you the right to contact a credit-reporting agency to flag your account. To place a fraud alert, you must provide proof of your identity to the credit bureau. The fraud alert is initially effective for 90 days, but may be extended at your request for seven years when you provide a police report to the credit bureaus that indicates you are a victim of identity theft.

FACTA creates a new kind of alert, an active duty alert, that allows active duty military personnel to place a notation on their credit report as a way to alert potential creditors to possible fraud. While on duty outside the country, military members are particularly vulnerable to identity theft and lack the means to monitor credit activity. An active duty alert is maintained in the file for at least 12 months.

If a fraud alert or active duty alert is placed on your credit report, any business that is asked to extend credit to you must contact you at a telephone number you provide or take other "reasonable steps" to see that the credit application was not made by an identity thief.

FACTA gives you the right to a free copy of your credit report when you place a fraud alert. With the extended alert (seven years), you are entitled to two free copies of your report during the 12-month period after you place the alert.

New FACTA provisions also allow you to "block" certain items on your credit report that resulted from identity theft. Like the fraud alert, "blocking" was already an option for consumers in some states. With FACTA, Congress has made "blocking" the national standard.

C. Truncation: Credit Cards, Debit Cards, and Social Security Numbers

FACTA sets a national standard requiring truncation of credit card information. FACTA says credit and debit card receipts may not include more than the last five digits of the card number. Nor may the card's expiration date be printed on the cardholder's receipt. However, the effective date of this provision is a long way off, and there are a couple of loopholes:

- This section does not apply to receipts for which the sole means of recording a credit or debt card number is by handwriting or by an imprint or copy of the card.
- For machines in use *before* January 1, 2005, the merchant has *three* (3) years to comply.
- For machines in use *after* January 1, 2005, the merchant has one (1) year to comply.

Another FACTA section allows consumers who request a copy of their file to also request that the first 5 digits of their Social Security number (or similar identification number) *not* be included in the file.

D. Information Available to Victims

For victims, obtaining copies of the imposter's account application and transactions is an important step toward regaining financial health. A business that provides credit or products and services to someone who fraudulently uses your identity must give you copies of documents such as applications for credit or transaction records. The business must also provide copies of documents to any federal, state, or local law enforcement agency you specify.

To obtain account documentation, you must supply proof of your identity. The business may also ask you to provide a police report and an identity theft affidavit. For a copy of the FTC's fraud affidavit, will be attached to this identity theft packet

You must also:

- Make your request in writing.
- Mail the request to the business at an address it specifies.
- If the business asks, include relevant information about dates and account numbers.

A business does not have to provide this information if:

- There is not a "high degree of confidence" in your true identity.
- The request contains a misrepresentation of fact.
- The information is Internet navigational data or similar information about a person's visit to a web site or online service.

The business can be sued only by a government agency for not turning information over to the victim but the business cannot be held civilly liable if it makes a "good faith" effort to comply.

E. Collection Agencies

A call from a collection agency is often the first sign of trouble for an identity theft victim. Under FACTA, if you are contacted by a collection agency about a debt that resulted from the theft of your identity, the collector must so inform the creditor. You are entitled to receive all information about this debt -- such as applications, account statements, late notices from the creditor -- that you would be entitled to see if the debt were actually yours. In addition, FACTA says that a creditor, once notified that the debt is the work of an identity thief, cannot sell the debt or place it for collection.

Additional Information

1. Contact the fraud departments of each of the three major credit bureaus and report the theft. Ask that a **"fraud alert"** be placed on your file and that no new credit be granted without your approval.

   - **Equifax:** 1-800-525-6285 www.equifax.com
   - **Experian:** 1-888-397-3742 www.experian.com
   - **Trans Union:** 1-800-680-7289 www.transunion.com

2. For any accounts that have been fraudulently accessed or opened, contact the security department of the appropriate creditor or financial institution. Close these accounts and put passwords (**not** your mother's maiden name or Social Security number) on any new accounts you open.

3. To report fraudulent use of your personal checks, contact the following national checking agencies:

   - **CheckRite:** 1-800-766-2748
   - **Chexsystems:** 1-800-428-9623
   - **CrossCheck:** 1-800-843-0760
   - **Certigy/Equifax:** 1-800-437-5120
   - **International Check:** 1-800-526-5380
   - **SCAN:** 1-800-262-7771
   - **TeleCheck:** 1-800-710-9898

4. You must file a report with your local police department or the police department where the identity theft took place. Get the report number or a copy of the report in case the bank, Credit Card Company or others need proof of the crime later.

5. Call the ID Theft Clearinghouse toll-free at 1-877-IDTHEFT (1-877-438-4338) to report the theft. Counselors will take your complaint and advise you on how to deal with the credit-related problems that could result from ID theft. The Identity Theft Hotline gives you one place to report the theft to the federal government and receive helpful information.

6. The following (non-profit) websites are great resources on identity theft:

- Federal Trade Commission www.comsumer.gov/idtheft
- Identity Theft Resource Center www.idtheftcenter.org
- Privacy Rights Clearinghouse www.privacyrights.org
- Social Security Online www.ssa.gov/pubs/idtheft.htm
- US Postal Inspection Service www.usps.com/postalinspectors

If you need further assistance, please feel free to contact the Holden Police Department, Detective Unit and we will try to answer any questions regarding your identity theft case
508-829-4444

Sample Dispute Letter

Date
Your Name
Your Address
Your City, State, Zip Code

Complaint Department
Name of Company
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 encircled on the attached copy of the report I received.

The item (identify item(s) disputed by name of source, such as creditors or tax court, and identify type of item, such as credit account, judgement, ect..) is (inaccurate or incomplete) because (describe what is inaccurate or incomplete and why). I am requesting that the item be deleted (or request another specific change) to correct the information.

Enclosed are copies of (use this sentence if applicable and describe any enclosed documentation, such as payment records, court documents) supporting my position. Please investigate this (these) matter(s) and (delete or correct) the disputed item(s) as soon as possible.

In addition, pursuant to FACTA, as a victim of identity theft, I am requesting that you provide me with copies of any and all applications and business transaction records related to the fraudulent account(s). The copies of the records can be mailed to me at the address listed above.

In addition, please made these records available to the Holden Police Department, 1420 Main St, Holden MA 01520 upon their request.

Sincerely,

Your Name

Enclosures: (List what you are enclosing)

Sample Dispute Letter for Existing Accounts

Date
Your Name
Your Address
Your City, State, Zip Code

Name of Credit Card Issuer
Billing Inquiries
Address, City, State, Zip Code

Dear Sir or Madam

I am writing to dispute a billing error in the amount of $_____ on my account. The amount is inaccurate because the merchandise I ordered was not delivered. I ordered the merchandise on (date). The merchant promised to deliver the merchandise to me on (date), and the merchandise was not delivered. (In addition, when I ordered the merchandise, the merchant did not tell me that it would charge before shipping)

I am requesting that the error be corrected, that any finance and other charges related to the disputed amount be credited to my account, and that I receive an accurate statement.

Enclosed are copies of (use this sentence to describe any enclosed information, such as sales slips, payment records, documentation of shipment or delivery dates) supporting my position and experience. Please correct the billing error promptly.

In addition, please made these records available to the Holden Police Department, 1420 Main St, Holden MA 01520 upon their request.

Sincerely,

Your Name

Enclosures: (List what you are enclosing)

Sample Credit Reporting Act Dispute Letter

Date
Your Name
Your Address, City, State, Zip Code

Complaint Department
Name of Credit Reporting Agency
Address
City, State, Zip Code

Gentlemen:

I am writing to dispute the following information in my file. The items I dispute are also encircled on the attached copy of the report I received.

[Identify item or items disputed by name of source (such as creditors or tax court), and identify type of item (such as credit account, judgment, etc.)]

This item is [inaccurate or incomplete] because [describe what is inaccurate or incomplete and why]. I am requesting that [the item be deleted, or whatever other specific change you want] to correct the information.

[If applicable]: Enclosed are copies of [describe any enclosed documentation, such as payment records, court documents] supporting my position.

Please reinvestigate and [delete or correct] the disputed item(s) as soon as possible.

Sincerely,

Your Name

Enclosures: (List what you are enclosing.)

NEXT PAGE
Attach the FTC Affidavit

Instructions for Completing the ID Theft Affidavit

To make certain that you do not become responsible for any debts incurred by an identity thief, you must prove to each of the companies where accounts were opened or used in your name that you didn't create the debt.

A group of credit grantors, consumer advocates, and attorneys at the Federal Trade Commission (FTC) developed an ID Theft Affidavit to make it easier for fraud victims to report information. While many companies accept this affidavit, others require that you submit more or different forms. Before you send the affidavit, contact each company to find out if they accept it.

It will be necessary to provide the information in this affidavit anywhere 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 for instructions.

This affidavit has two parts:

- **Part One** — the ID Theft Affidavit — is where you report general information about yourself and the theft.
- **Part Two** — the 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 or police report). 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. Delays on your part could slow the investigation.

Be as accurate and complete as possible. You may choose not to provide some of the information requested. However, incorrect or incomplete information will slow the process of investigating your claim and absolving the debt. Print clearly.

When you have finished completing the affidavit, mail a copy to each creditor, bank, or company that provided the thief with the unauthorized credit, goods, or services you describe. Attach a copy of the Fraudulent Account Statement with information only on accounts opened at the institution to which you are sending the packet, as well as any other supporting documentation you are able to provide.

Send the appropriate documents to each company by certified mail, return receipt requested, so you can prove that it was received. 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.

If you are unable to 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.

DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER GOVERNMENT AGENCY

If you haven't already done so, report the fraud to the following organizations:

1. Any one of the nationwide consumer reporting companies to place a fraud alert on your credit report. Fraud alerts can help prevent an identity thief from opening any more accounts in your name. The company you call is required to contact the other two, which will place an alert on their versions of your report, too.

   - **Equifax:** 1-800-525-6285; www.equifax.com
   - **Experian:** 1-888-EXPERIAN (397-3742); www.experian.com
   - **TransUnion:** 1-800-680-7289; www.transunion.com

   In addition to placing the fraud alert, the three consumer reporting companies will send you free copies of your credit reports, and, if you ask, they will display only the last four digits of your Social Security number on your credit reports.

2. The security or fraud department of each company where you know, or believe, accounts have been tampered with or opened fraudulently. Close the accounts. Follow up in writing, and include copies (NOT originals) of supporting documents. *It's important to notify credit card companies and banks in writing.* Send your letters by certified mail, return receipt requested, so you can document what the company received and when. Keep a file of your correspondence and enclosures.

   When you open new accounts, use new Personal Identification Numbers (PINs) and passwords. Avoid using easily available information like your mother's maiden name, your birth date, the last four digits of your Social Security number or your phone number, or a series of consecutive numbers.

3. Your local police or the police in the community where the identity theft took place to file a report. Get a copy of the police report or, at the very least, the number of the report. It can help you deal with creditors who need proof of the crime. If the police are reluctant to take your report, ask to file a "Miscellaneous Incidents" report, or try another jurisdiction, like your state police. You also can check with your state Attorney General's office to find out if state law requires the police to take reports for identity theft. Check the Blue Pages of your telephone directory for the phone number or check www.naag.org for a list of state Attorneys General.

4. The Federal Trade Commission. By sharing your identity theft complaint with the FTC, you will provide important information that can help law enforcement officials across the nation track down identity thieves and stop them. The FTC also can refer victims' complaints to other government agencies and companies for further action, as well as investigate companies for violations of laws that the FTC enforces.

   You can file a complaint online at **www.consumer.gov/idtheft**. If you don't have Internet access, call the FTC's Identity Theft Hotline, toll-free: 1-877-IDTHEFT (438-4338); TTY: 1-866-653-4261; or write: Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER GOVERNMENT AGENCY

ID Theft Affidavit

Victim Information

(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 _____ until _____
(month/year) (month/year)

(10) My daytime telephone number is (____)_____

My evening telephone number is (____)_____

DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER GOVERNMENT AGENCY

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:

Name (if known)	Name (if known)
Address (if known)	Address (if known)
Phone number(s) (if known)	Phone number(s) (if known)
Additional information (if known)	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 were used or how the identity thief gained access to your information.)

_____

_____

_____

_____

_____

(Attach additional pages as necessary.)

DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER GOVERNMENT AGENCY

Victim's Law Enforcement Actions

(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 this 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)
(Agency #2)	(Officer/Agency personnel taking report)
(Date of report)	(Report number, if any)
(Phone number)	(email address, if any)

Documentation Checklist

Please indicate the supporting documentation you are able to 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 don't have a photo-ID, you may submit a copy of your birth certificate or a copy of your official school records 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).

DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER GOVERNMENT AGENCY

(22) ❑ A copy of the report you filed with the police or sheriff's department. 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.

Signature

I certify that, to the best of my knowledge and belief, all the information on and attached to this affidavit is true, correct, and complete and made in good faith. I also understand that is affidavit or the information it contains may be made available to federal, state, and/or local law enforcement agencies for such action within their jurisdiction as they deem appropriate. I understand that knowingly making any false or fraudulent statement or representation to the government may constitute a violation of 18 U.S.C. §1001 or other federal, state, or local criminal statutes, and may result in imposition of a fine or imprisonment or both.

_____ _____

(signature) (date signed)

_____

(Notary)

[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 number)

DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER GOVERNMENT AGENCY

Fraudulent Account Statement

Completing this Statement

- Make as many copies of this page as you need. **Complete a separate page for each company you're notifying and only send it to that company.** Include a copy of your signed affidavit.
- List only the account(s) you're 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 Example National Bank 22 Main Street Columbus, Ohio 22722	01234567-89	auto loan	01/05/2002	$25,500.00

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

Billing name _____

Billing address _____

Account number _____

DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER GOVERNMENT AGENCY