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**MEMORANDUM**

July 11, 2007

To Our Clients and Friends

Re: State Security Freeze Laws

This memorandum summarizes state legislation which permits consumers to place a security freeze on their credit files.<sup>1</sup> A security freeze generally prohibits consumer reporting agencies (“CRAs”) from releasing a consumer’s credit report or credit score, subject to various exceptions. To date, 35 states and the District of Columbia have enacted legislation addressing security freezes. Most recently Arkansas, the District of Columbia, Indiana, Maryland, Mississippi, Montana, New Mexico, North Dakota, and Tennessee have enacted legislation.

If you have any questions, please call Gilbert Schwartz, Robert Ballen, Tom Fox or Heidi Wicker at (202) 776-0700.

**ARKANSAS**

Arkansas law (Ark. Code § 4-112-101 et seq.) provides that a consumer who is a victim of identity theft may place a security freeze prohibiting the release of the consumer’s report or credit score in response to a request to open a new account or to extend credit. To place the freeze, a consumer must send a written request by certified mail. The CRA must place the freeze within five business days (or 10 business days if requested prior to May 1, 2008 and CRA is unable to process during normal business hours the quantity of requests received), and within 10 business days provide the consumer with written confirmation and a PIN or password for authorizing release of the consumer report. The CRA also must notify the consumer of the procedure to authorize release of the consumer report. The act is effective January 1, 2008.

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<sup>1</sup> The summaries generally discuss the significant provisions of the state laws.

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An identity theft victim may permit access to his credit file for a specified period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must contact the CRA at the point of contact designated by the CRA and provide proper identification, the PIN or password and information regarding the time period for which the report shall be available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means. The freeze must be lifted or removed within three business days of the request.

Exceptions to a security freeze include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or negotiable instrument,
- preventing or investigating potential fraud or theft of identity,
- prescreening under the Fair Credit Reporting Act (“FCRA”),
- providing a consumer with a copy of his or her consumer report or credit score at the consumer’s request, or
- in connection with the business of insurance.

Certain entities are not required to place a security freeze on a consumer’s report (check services or fraud prevention services, deposit account information services or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer’s name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

When a summary of rights is required to be provided under section 609 of the FCRA (disclosure by a CRA of the contents of the consumer’s file at the consumer’s request) the law mandates that a specified notice regarding the availability of security freezes also be provided to Arkansas consumers.

A person who fails to comply with the law is liable for actual damages sustained by the consumer, costs and attorney’s fees. A violation of the act is considered an unfair or deceptive act or practice. The state Attorney General is given authority to enforce the law.

A CRA may charge a specified fee to place, remove or lift a freeze, unless the person is a victim of identity theft.

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### CALIFORNIA

California law (Cal. Civ. Code § 1785.11.2 et seq.) provides that a consumer may place a security freeze prohibiting the release of the consumer's credit report or any information from it to a third party without express authorization of the consumer. To place the freeze, a consumer must send a written request to a CRA by certified mail. The CRA must place the freeze within five business days and within 10 business days send written confirmation and a unique personal identification number ("PIN") or password to the consumer to be used in requesting the freeze be lifted. The CRA also must inform the consumer of the process for placing and temporarily lifting a security freeze. The act took effect January 1, 2003.

A consumer may permit access to his credit file by a specified party or for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with proper identification, the PIN or password and information regarding the party or time period for which the report shall be available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means. The freeze must be lifted or removed within three business days of the request.

Exceptions to a security freeze include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or negotiable instrument,
- prescreening under the Fair Credit Reporting Act ("FCRA"), or
- providing a consumer with a copy of his or her consumer report at the consumer's request.

Certain entities are not required to place a security freeze on a consumer's report (check services or fraud prevention services, deposit account information services or CRAs acting as resellers).

When a summary of rights is required to be provided under California law when a CRA discloses the contents of the consumer's file to the consumer at the consumer's request, a notice regarding the availability of security freezes must be provided to California consumers.

A consumer may bring an action for a civil penalty, not to exceed \$2,500, as well as costs and attorneys' fees against persons who knowingly and willfully obtain access to a file or data from a file other than as permitted by the law, or a person who uses data received from a file in a manner contrary to an agreement with all CRA.

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A CRA may charge a specified fee to place, remove or temporarily lift a freeze, unless the consumer is a victim of identity theft.<sup>2</sup>

### COLORADO

Colorado law (Colo. Rev. Stat. § 12-14.3-106.6) provides that a consumer may place a security freeze prohibiting the release of the consumer's credit report or information from it without express authorization of the consumer. To place the freeze, a consumer must send a written request to a CRA by certified mail. The CRA must place the freeze within five business days of the request and within 10 business days send written confirmation and a PIN or password to the consumer to be used in authorizing release of the consumer report. The CRA also must inform the consumer of the process for placing and temporarily lifting a security freeze. The act took effect July 1, 2006.

A consumer may permit access to his or her consumer report by a specified party or for a period of time while a freeze is in effect. To temporarily lift or to remove the freeze, a consumer must provide the CRA with proper identification, the PIN or password and information regarding the party or time period for which the information shall be available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means to place a freeze or temporarily lift a freeze. The freeze must be lifted or removed within three business days of the request.

Exceptions to a security freeze also include reports provided for:

- credit file monitoring,
- reviewing the account or collecting a financial obligation owing for an account, contract, debt or negotiable instrument, and costs,
- prescreening under the FCRA,
- providing a consumer with a copy of his or her consumer report at the consumer's request, or
- setting or adjusting insurance rates, adjusting claims or underwriting insurance.

Certain entities are not required to place a security freeze on a consumer's report (check services or fraud prevention services, deposit account information services or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth,

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<sup>2</sup> Fees may vary from jurisdiction to jurisdiction.

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SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

When a summary of rights is required to be provided under section 609 of the FCRA (regarding disclosure by a CRA of the contents of the consumer's file to the consumer at the consumer's request), a notice regarding the availability of security freezes must be provided to Colorado consumers.

A CRA may charge a specified fee only to remove or temporarily lift a freeze or to place a subsequent freeze after a previous freeze has been removed.

### **CONNECTICUT**

Connecticut law (Conn. Gen. Stat. § 36a-701a) provides that a consumer may place a security freeze prohibiting the release of the consumer's credit report or any information from it without express authorization of the consumer. To place a freeze, a consumer must send a written request to a CRA by certified mail or an alternative secure method authorized by the CRA. The CRA must place the freeze within five business days and within 10 business days send written confirmation and a PIN or password to the consumer. The CRA also must inform the consumer of the process for placing, removing and temporarily lifting a security freeze. The act took effect January 1, 2006.

A consumer may allow access to his or her credit file by a specified party or for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with provide proper identification, the PIN or password, and information regarding the party or time period for which information shall be available to users, if applicable. The CRA may provide procedures for contacting the CRA to lift or remove the freeze, including at a minimum the ability to send a request via e-mail, letter or fax. The freeze must be lifted or removed within three business days of the request.

Exceptions to a security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or debt,
- prescreening under the FCRA, or
- a CRA providing a consumer with a copy of the report at the consumer's request.

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Certain entities are exempt from the requirement to place a security freeze at a consumer's request (check services or fraud prevention services, deposit account information services or CRAs acting as resellers).

A CRA may charge a specified fee to place, remove, or temporarily lift a freeze.

### **DELAWARE**

Delaware law (Del. Code Ann. § 2203) provides that a consumer may place a security freeze prohibiting release of a consumer's credit report or any information derived from it without the express authorization of the consumer. To place a freeze, a consumer must make a request by mail or through an electronic mail method, if available. By January 31, 2009, CRAs must make an electronic mail method available for requesting a freeze. A CRA must place the freeze and within five business days send written confirmation and provide the consumer with a PIN or password to be used in authorizing lifting or removing the freeze. By October 1, 2007, a CRA must place a freeze no later than three business days after receiving a request. The act took effect October 1, 2006.

A consumer may allow access to his or her credit report for a specified period of time while a freeze is in place. To temporarily lift or remove the freeze, a consumer must provide proper identification, the PIN or password and information regarding the time period for which the report shall be available to users, if applicable. A CRA must develop procedures involving use of telephone to receive and process requests to temporarily lift a freeze or, upon consent of the consumer in compliance with the E-Sign Act, by using the Internet, e-mail or other electronic media. The freeze must be lifted no later than three business days after receiving a request, and by January 31, 2009, a CRA must honor a request made by electronic mail or telephone within 15 minutes of receiving it.

Exceptions to a security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract or debt,
- prescreening under the FCRA,
- providing a consumer with a copy of the report upon the consumer's request, or
- setting or adjusting a rate or underwriting for property and casualty insurance purposes.

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Certain entities are exempt from the requirement to place a security freeze at a consumer's request (check services or fraud prevention services, deposit account information services or CRAs acting as resellers).

When a summary of rights is required to be provided under section 609 of the FCRA (regarding disclosure by a CRA of the contents of the consumer's file to the consumer at the consumer's request), a notice regarding the availability of security freezes must be provided to Delaware consumers.

A CRA may charge a specified fee to place a freeze, unless the person is a victim of identity theft.

If a CRA negligently violates the security freeze, the CRA is required to notify affected consumer within five business days, including specificity as to the information released and the third-party recipient. A consumer may institute a civil action for injunctive relief and to recover a civil penalty up to \$1,000 per violation plus other damages and reasonable expenses, court costs, investigative costs and attorney's fees.

### **DISTRICT OF COLUMBIA**

District of Columbia law (D.C. Code § 28-3862) provides that a consumer may place a security freeze prohibiting the release of a consumer's credit report, or any information derived from it, without express authorization of the consumer. To place a freeze, a consumer must send a written request to the CRA by certified mail. By January 31, 2009, the CRA must provide an Internet-based method of requesting a freeze and must also accept requests by either telephone or regular mail. The CRA must place the freeze within three business days after receiving the request and, within five business days of placing the freeze, send a written confirmation and provide the consumer with a PIN or password to be used by the consumer to release or remove the freeze. The act took effect July 1, 2007.

A consumer may allow access to his credit file by a specified party or for a period of time while a freeze is in effect. To temporarily lift the freeze, the consumer must contact the CRA and provide proper identification, the PIN or password, and information specifying the third party or period of time for making information available to users, as applicable. The consumer must send a request in writing to permanently remove a freeze. The CRA must lift the freeze within three business days of the request. By September 1, 2008, the CRA must develop procedures to process requests through the Internet or by telephone within 15 minutes of the request unless prevented by acts outside the CRA's control. Effective January 31, 2009, the CRA must remove the freeze within three business days of the request.

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Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owed for an account, contract or negotiable instrument,
- prescreening under the FCRA,
- setting or adjusting a rate, adjusting a claim, or underwriting for insurance purposes, or
- providing the consumer with a copy of the consumer's report at his or her request.

Certain entities are not required to place a security freeze on a consumer's report (check or fraud prevention services, deposit account information services or CRAs acting as resellers).

When a summary of rights is required to be provided under section 609 of the FCRA (regarding disclosure by a CRA of the contents of the consumer's file to the consumer at the consumer's request), a specific notice regarding the availability of security freezes must be provided to District of Columbia consumers.

If a CRA violates the security freeze by releasing information without express authorization, the affected consumer may bring a civil action for injunctive relief, actual damages, reasonable attorney's fees and costs, and, in the case of a willful violation, punitive damages. The Attorney General may enforce the act by seeking a temporary or permanent injunction, damages, a civil penalty not to exceed \$1,000 for each violation, and reasonable attorney's fees and costs.

A CRA may charge a specified fee for issuing a PIN unless the consumer is a victim of identity theft.

### **FLORIDA**

Florida law (Fla. Stat. Ann. § 501.005 et seq.) provides that a consumer may place a security freeze prohibiting release of a consumer's credit report, credit score or any information from the consumer's report without the express authorization of the consumer. To place a freeze, a consumer must send a written request to a CRA by certified mail and include proper identification. The CRA must place the freeze within five business days and within 10 business days send written confirmation and provide the consumer with a PIN or password to be used in authorizing lifting of the freeze. The CRA must inform the consumer of the process for placing, temporarily lifting and removing a security freeze. The act took effect July 1, 2006.

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A consumer may allow access to his or her consumer report for a specific period of time while the freeze is in effect. To temporarily lift or remove the freeze, a consumer must contact the CRA and provide proper identification, the PIN or password and information specifying the period of time for making information available to users, as applicable. All CRAs doing business in Florida must make available by July 1, 2007 a secure electronic contact method, which may include telephone, fax, Internet or other secure electronic means by which to receive requests to temporarily lift a freeze. The freeze must be lifted or removed within three business days of the request.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owed for an account, contract or negotiable instrument,
- prescreening under the FCRA,
- setting or adjusting a rate, adjusting a claim, or underwriting for insurance purposes,
- providing the consumer with a copy of the consumer's report at his or her request, or
- a CRA's database consisting of only and used solely for criminal record information, personal loss history information, fraud prevention or detection, tenant screening or employment screening.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services or CRAs acting as resellers).

When a summary of rights is required to be provided under section 609 of the FCRA (regarding disclosure by a CRA of the contents of the consumer's file to the consumer at the consumer's request), a notice regarding the availability of security freezes must be provided to Florida consumers. Nationwide CRAs also must provide a toll-free number the consumer can use to communicate with the CRA.

If a security freeze is in place, a CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

A consumer is permitted to bring a civil action for violations of the law. A person who willfully fails to comply with this law is liable to a consumer for actual damages of not less than \$100 and not more than \$1,000, costs and attorneys' fees. A person who obtains a report under false pretenses or without a permissible purpose is

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liable to the consumer for actual damages of not less than \$100 and not more than \$1,000, whichever is greater. Punitive damages may be assessed for willful violations. A person who negligently fails to comply with the law is liable to the consumer for actual damages of not less than \$100 and not more than \$1,000.

A CRA may charge a reasonable fee up to \$10 to place, remove or temporarily lift a security freeze, except no fee may be charged to persons age 65 or older for the initial placement or removal of a security freeze, or to victims of identity theft who submit a law enforcement report or complaint.

### **HAWAII**

Hawaii law (Haw. Rev. Stat. tit. 26) provides that a consumer may place a security freeze prohibiting the release of the consumer's credit report or any information from it without the prior express authorization of the consumer. A consumer must send a written request to a CRA by certified mail to place a freeze. A consumer that is a victim of identity theft may place a freeze by making a request in writing via certified mail with a valid copy of a law enforcement report or complaint. The CRA must place the freeze within five business days of the request, and within 10 business days send written confirmation and provide the consumer with a unique PIN or password to be used in authorizing temporary lifting of the freeze. The CRA also must inform the consumer of the process for placing and temporarily lifting a security freeze. The act took effect January 1, 2007.

A consumer may allow access to his or her credit file by a specified party or for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with proper identification, the PIN or password, and information regarding the party or time period for which information shall be available to users, if applicable. The CRA may permit contact by telephone, fax, the Internet or other electronic means. The freeze must be lifted or removed within three business days of the victim's request.

Exceptions to a security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owed for an account, contract or debt or extending credit to a consumer with a prior or existing account, contract or debtor-creditor relationship,
- prescreening under the FCRA,
- providing the consumer with a copy of his or her consumer report at the consumer's request, or
- setting or adjusting a rate, adjusting a claim or underwriting for insurance purposes.

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Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services, CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

A person who violates this law is subject to a penalty of not more than \$2,500 per violation and is liable to the injured party for actual damages and attorneys' fees. The State Attorney General or Executive Director of the Office of Consumer Protection are authorized to bring actions to enforce this law.

A CRA may not charge victims of identity theft a fee for placing, lifting or removing a security freeze. Other consumers may be charged a specified fee.

### **ILLINOIS**

Illinois law (815 Ill. Comp. Stat. 505/2MM; amended by SB 2310 (2006)) provides that a victim of identity theft may place a security freeze prohibiting the release of the consumer's credit report or information from it without prior express authorization of the consumer. Effective January 1, 2007, all consumers will be permitted to place security freezes. A consumer must send a written request to a CRA by certified mail with a valid copy of a law enforcement report or complaint. Effective January 1, 2007, no law enforcement report or complaint is required. The CRA must place the freeze within five business days of the request, and within 10 business days send written confirmation and provide the consumer with a unique PIN or password to be used in requesting the freeze be removed or lifted. The CRA also must inform the consumer of the process for placing and temporarily lifting a security freeze. The act took effect January 1, 2006, except where otherwise noted.

A consumer may allow access to his credit file by a specified party or for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with proper identification, the PIN or password, and information regarding the party or time period for which information shall be available to users, if applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means and, effective January 1, 2007, including postal mail. The freeze must be lifted or removed within three business days of the consumer's request.

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Exceptions to a security freeze also include reports provided for:

- credit file monitoring or, effective January 1, 2007, a similar service,
- reviewing an account or collecting a financial obligation owing for an account, contract, or negotiable instrument,
- prescreening under the FCRA,
- providing the consumer with a copy of his or her consumer report at the consumer's request or, effective January 1, 2007, a credit score, or
- effective January 1, 2007, insurance underwriting.

Certain entities are not required to place a security freeze on a consumer's report (check services or fraud prevention services, deposit account information services or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

A person who violates the law is deemed to commit an unlawful practice under Illinois law.

A CRA may not charge a fee to place, remove, or temporarily lift a freeze. Effective January 1, 2007, a CRA may charge a specified fee to place, remove or temporarily lift a freeze, unless the consumer is a victim of identity theft, and no fee may be charged to persons 65 years of age or older to place or remove a freeze.

### **INDIANA**

Indiana law (SEA 403) (Ind. Code § 24-5-24) provides that a consumer may place a security freeze prohibiting the release of the consumer's credit report (including credit score) without the consumer's authorization. To place the freeze, the consumer must send a written request by mail or by a secure electronic mail connection which must be provided by the CRA no later than January 1, 2009. The CRA must place the freeze within five business days of the request. The CRA must issue a written confirmation that the security freeze has been placed on the report as well as a PIN or password within 10 business days of the request. The act is effective September 1, 2007.

The consumer may request to release the consumer report to specified third parties or to temporarily lift the freeze for a specified period. The consumer must provide sufficient information to identify the consumer and a unique PIN or password

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provided by the CRA in the written confirmation. If the request is made in writing, the CRA must comply within three business days of the request.

The CRA must also develop and make available to consumers, no later than January 1, 2009, secure procedures to authorize a release of the consumer report or a temporary lifting of the freeze within 15 minutes of receiving a request by telephone, Internet, or other electronic media provided by the CRA. The Act provides certain exceptions to the 15 minute deadline when the consumer has not given sufficient information or if compliance is impossible.

Exceptions to a security freeze include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or negotiable instrument,
- law enforcement,
- prescreening under the Fair Credit Reporting Act (“FCRA”),
- providing a consumer with a copy of his or her consumer report or credit score at the consumer’s request, or
- for insurance purposes.

Certain entities are not required to place a security freeze on a consumer’s report, including check services or fraud prevention services, deposit account information services, or CRAs acting as resellers of information.

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer’s name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

When a summary of rights is required to be provided under section 609 of the FCRA (disclosure by a CRA of the contents of the consumer’s file at the consumer’s request) the law mandates that a specified notice regarding the availability of security freezes also be provided to Indiana consumers.

A consumer may bring an action for a civil penalty, not to exceed \$6,000, as well as punitive damages, costs, and reasonable attorney fees against persons who knowingly or intentionally fail to comply with any requirement imposed under this chapter. The attorney general may bring an action to recover from a person on behalf of the state for a civil penalty for not more than \$2,500 for violations concerning one consumer or not more than \$100,000 for related violations concerning more than one consumer.

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A CRA may not charge a fee to release a consumer report, or place, remove, or lift a freeze.

### **KANSAS**

Kansas law (2005 Kan. S.B. 196) provides that a victim of identity theft may place a security freeze prohibiting the release of the consumer's credit report or credit score relating to the extension of credit. To place a freeze, a victim must send a written request to a CRA by certified mail with a valid copy of a law enforcement report or complaint. The CRA must place the freeze within five business days of the request, and within 10 days send written confirmation and provide the consumer with a PIN or password for lifting the freeze. The CRA must inform the consumer of the process for placing, removing and temporarily lifting a security freeze. The act took effect January 1, 2007.

A consumer may allow access to his credit file for a specified period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with clear and proper identification, the PIN or password and information regarding the time period for making information available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means to temporarily lift the freeze. The freeze must be lifted or removed within three business days of the request.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or negotiable instrument,
- prescreening under the FCRA,
- providing a copy of the consumer's consumer report to the consumer at the consumer's request,
- acting as a reseller, providing check services, fraud prevention services or deposit account information services, or
- setting or adjusting insurance rates, adjusting claims or underwriting insurance.

Certain entities are not required to place a security freeze on a consumer's report, including financial institutions, check services or fraud prevention services, deposit account information services, CRAs acting as resellers, or databases of adverse information used for permissible purposes under the FCRA.

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth,

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SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

A person who willfully fails to comply with requirements of the law is liable to the affected consumer for actual damages or damages no less than \$100 and no more than \$1,000, punitive damages, costs and attorney's fees. A person who negligently fails to comply with the law is liable to the affected consumer for actual damages, costs and attorney's fees.

A CRA may not charge a fee to place, remove or temporarily lift a freeze.

### **KENTUCKY**

Kentucky law (2006 KY HB 54) provides that a consumer may place a security freeze prohibiting the release of the consumer's credit report or credit score relating to the extension of credit without express authorization of the consumer. To place a freeze, a consumer must send a written request to a CRA by certified mail including clear and proper identification. The CRA must place the freeze and provide the consumer with a PIN or password for lifting the freeze within 10 business days of receiving the request. The CRA must also inform the consumer of the process for placing, removing and temporarily lifting a security freeze. The security freeze remains in place for seven years, unless removed by the consumer. The act took effect July 12, 2006.

A consumer may allow access to his credit file for a specified period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must contact the CRA and provide clear and proper identification, the PIN or password assigned to him and information regarding the time period for making information available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means to temporarily lift the freeze. The freeze must be lifted or removed within three business days of the request.

Exceptions to the security freeze also include reports provided for:

- reviewing an account or collecting a financial obligation owing for an account, contract, or negotiable instrument,
- prescreening under the FCRA,
- providing a consumer with a copy of the consumer's own report,
- CRAs acting as a reseller,
- providing check services, fraud prevention services or deposit account information services, or
- setting or adjusting a rate or underwriting.

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Certain entities are not required to place a security freeze on a consumer's report, including financial institutions and insurers, check services or fraud prevention services companies, deposit account information services, CRAs acting as resellers, or databases of adverse information used for permissible purposes under the FCRA.

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address.

A person who willfully fails to comply with requirements of the law is liable to the affected consumer for actual damages or liquidated damages of no less than \$100 and no more than \$1,000, punitive damages, costs and attorney's fees. A person who negligently fails to comply with the requirements is liable to the affected consumer for actual damages and costs and attorney's fees.

A CRA may charge a specified fee to place, remove or temporarily lift a freeze, unless the consumer is an identity theft victim.

### **LOUISIANA**

Louisiana law (La. Rev. Stat. Ann. § 9:3571.1) provides that a consumer may place a security freeze prohibiting the release of the consumer's credit report or credit score without express authorization of the consumer. To place a freeze, a consumer must send a written request to a CRA by certified mail including clear and proper identification. The CRA must place the freeze and provide the consumer with a PIN or password to be used in requesting the freeze be lifted within 10 business days of the request. The CRA must also provide notification of the process for placing, removing and temporarily lifting a security freeze. The act took effect July 1, 2005.

A consumer may allow access to his credit file for a specified period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with clear and proper identification, the PIN or password and information regarding the time period for making information available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means to temporarily lift the freeze. The freeze must be lifted or removed within three business days of the request.

Exceptions to the security freeze also include reports provided for:

- reviewing an account or collecting an obligation owing for an account, contract or negotiable instrument,
- prescreening under the FCRA,
- CRAs providing a consumer with a copy of the consumer's own report,

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- CRAs acting as resellers, or
- providing check services, fraud prevention services or deposit account information services.

Certain entities are not required to place a security freeze, including banks, check services or fraud prevention services, deposit account information services, CRAs acting as resellers, or any database or file consisting of information adverse to the consumer used for permissible purposes under the FCRA.

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

A consumer may bring an action for actual damages, attorneys' fees and costs for intentional or negligent violations.

A CRA may charge a specified fee to place or temporarily lift a freeze. A CRA may not charge a fee to revoke a freeze and may not charge identity theft victims or a consumer who is 62 years of age or older.

### MAINE

Maine law (Me. Rev. Stat. tit. 10 § 1313-C) provides that a consumer may place a security freeze prohibiting the release of the consumer's credit report or any information from it to a third party without express authorization of the consumer. To place a freeze, a consumer must send a written request to a CRA by certified mail. The CRA must place the freeze within five business days and within 10 business days send written confirmation and provide the consumer with a PIN or password to be used in lifting the freeze. The CRA must inform the consumer of the process for placing and temporarily lifting a security freeze. The act took effect February 1, 2006.

A consumer may permit access to his credit file by a specified party or for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with proper identification, the PIN or password and information regarding the third parties or time period for which the report is to be available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means to temporarily lift a freeze. The freeze must be lifted or removed within three business days of the request.

Exceptions to the security freeze also include reports provided for:

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- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract or debt,
- prescreening under the FCRA, or
- providing a consumer with a copy of the consumer's report at his or her request.

Certain entities are not required to place a security freeze on a consumer's report (check services or fraud prevention services, deposit account information services and CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

Affected consumers may bring actions for willful and knowing violations for actual damages and treble damages, as well as attorneys' fees and costs. A person who negligently violates the law is liable to the consumer for actual damages and additional damages as the court permits, but no less than \$100 per violation, attorneys' fees and costs. A person who knowingly and intentionally obtains information on a consumer from a CRA under false pretenses is subject to a fine of up to \$5,000 and imprisonment for up to one year. Violators may also be subject to administrative actions by the State Attorney General and civil penalties of up to \$5,000 for knowing violations.

A CRA may charge a specified fee to place, remove or lift a freeze, unless the consumer is an identity theft victim and provides a copy of a law enforcement report or complaint.

### **MARYLAND**

Maryland law (HB 117) (Md. Ann. Code Comm. Law § 14-1212.1) provides that a consumer may place a security freeze prohibiting the release of the consumer's report or any information derived from it without express authorization of the consumer. To place the freeze, a consumer may send a written request to a CRA via certified mail, through a secure electronic mail or other secure electronic connection if made available by the CRA or, beginning January 1, 2010, by telephone. The CRA must send written confirmation and provide the consumer with a PIN or password to be used to authorize the release of the freeze within five business days of placing the freeze. The CRA must place the freeze within three business days of receiving the request or within three business days effective July 1, 2008. The CRA also must

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provide information regarding the process of placing and temporarily lifting a security freeze. The act takes effect January 1, 2008.

A consumer may allow access to his credit file by a specified party or for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with proper identification, the PIN or password, and information regarding the third party or time period for making information available to users, as applicable. The CRA may permit contact by mail, facsimile, telephone, secure electronic mail, or secure connection on the CRA's website. The freeze must be lifted within three business days after receiving the request. Effective January 31, 2009, a freeze must be lifted temporarily within 15 minutes if the request is made by telephone, electronic mail, or secure connection on the CRA's website.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or debt instrument,
- prescreening under the FCRA,
- providing a consumer with a copy of his or her consumer report at the consumer's request, or
- insurance purposes.

Certain entities are not required to place a security freeze on a consumer's report, (check or fraud prevention services, deposit account information services, a CRA for its database or file that consists entirely of information concerning criminal record information, tenant screening, employment screening, fraud prevention or detection, or personal loss history information or CRAs acting as resellers).

Any time a summary of rights is required to be provided under section 609 of the FCRA (disclosure by a CRA of the contents of the consumer's file to the consumer at the consumer's request), the law mandates that a specified notice regarding the availability of security freezes be provided to Maryland consumers.

A CRA may charge a specified fee to place, remove or temporarily lift a freeze, unless the consumer is a victim of identity theft.

### **MINNESOTA**

Minnesota law (Minn. Stat. § 13C.016) provides that a consumer may place a security freeze prohibiting the release of the consumer's credit report or any information from it, in connection with the extension of credit or opening a new account, without express authorization of the consumer. To place the freeze, a

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consumer must send a written request to a CRA via certified mail, by telephone providing certain personal identification specified by the CRA or directly to the CRA through a secure electronic mail connection if made available by the CRA. The CRA must place the freeze within three business days and within 10 business days send written confirmation and provide the consumer with a PIN or password to be used to authorize lifting of the freeze. The CRA also must provide information regarding the process of placing and temporarily lifting a security freeze. The act took effect August 1, 2006.

A consumer may allow access to his credit file by a specified party or for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with proper identification, the PIN or password, and information regarding the third party or time period for making information available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means, with the goal of processing the request within 15 minutes of the request. Otherwise, the freeze must be lifted or removed within three business days of the request.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or negotiable instrument,
- prescreening under the FCRA, or
- a CRA to provide a consumer with a copy of the consumer's report at his or her request.

Certain entities are not required to place a security freeze on a consumer's report, (check services, fraud prevention services, deposit account information services, or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

The State Attorney General or county attorney is authorized to enforce the law and seek injunctive relief or civil penalties of not more than \$25,000. A consumer may also bring a civil action to recover damages, costs and attorneys' fees and obtain equitable relief.

A CRA may charge a specified fee to place, remove or temporarily lift a freeze, unless the consumer is a victim of identity theft.

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### MISSISSIPPI

Mississippi law (SB 3034) (to be codified) provides that a victim of identity theft may place a security freeze prohibiting the release of the consumer's credit report or any information derived from it relating to the extension of credit without the express authorization of the consumer. To place a security freeze, the consumer must send a written request to a CRA via certified mail and a copy of a valid police report, investigative report, or complaint which the consumer has filed with a law enforcement agency regarding the unlawful use of the personal information of the consumer by another person. The CRA must place the freeze within five business days after receiving the request and within 10 business days must send a written confirmation and provide the consumer with a PIN or password to be used to authorize a removal or temporary lifting of the freeze. The act took effect July 1, 2007.

On written request, the CRA must provide the consumer with information regarding the process of placing, removing and temporarily lifting a freeze. A consumer may remove or temporarily lift the freeze for a specified period of time or parties. To temporarily lift or remove the freeze, a consumer must provide the CRA, in writing or by telephone, with proper identification and the PIN or password. The CRA may also develop procedures involving the use of a telephone, fax machine, the Internet or other electronic medium to receive and process a request to temporarily lift or remove the freeze. The CRA must lift or remove the freeze three business days after receiving the request.

Exceptions to the security freeze include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or negotiable instrument,
- prescreening under the Fair Credit Reporting Act ("FCRA"),
- providing a consumer with a copy of his or her consumer report or credit score at the consumer's request,
- CRAs acting as resellers, check or fraud prevention services or deposit account information services, or
- insurance purposes.

Certain entities are not required to place a security freeze on a consumer's report (check or fraud prevention services or deposit account information services.)

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth,

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SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

A CRA may charge a specified fee to place a security freeze, but may not impose a fee to temporarily lift or remove the freeze.

### **MONTANA**

Montana law (SB 116) (Mont. Code Ann. § 30-14-17) provides that a consumer may place a security freeze prohibiting the release of the consumer's credit report or credit score without express authorization of the consumer. To place the freeze, a consumer may make a written request to a CRA by regular or certified mail or by a secure electronic connection specified by the CRA by January 31, 2009. The CRA must place the freeze within five business days or, if the consumer is a victim of identity theft, within 24 hours of the request. The CRA must send a written confirmation of the security freeze within five business days of placing the freeze and provide the consumer with a PIN, password, or similar device to be used to release the consumer's credit report. The act took effect July 1, 2007.

A consumer may allow access to his credit report by a specified party or for a specified period of time while a freeze is in effect. To temporarily lift or remove the security freeze, a consumer must provide the CRA with proper identification, the PIN, password, or device provided by the CRA, information regarding the third party or time period for making information available to users, as applicable. The CRA may permit contact by regular or certified mail, telephone, or a secure electronic connection. The freeze must be lifted or removed within three business days of the request. Effective January 31, 2009, the CRA must process a request to lift a freeze made by telephone or through a secure electronic connection within 15 minutes of receiving the request, with exceptions for acts out of the CRA's control.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or debt or extending credit to a consumer with a prior or existing account, contract or debtor-creditor relationship,
- prescreening under the FCRA,
- providing a consumer with a copy of the consumer's consumer report or credit score at the consumer's request, or
- a CRA for its database or file that consists entirely of information concerning criminal record information, tenant screening, employment screening, fraud prevention or detection, or personal loss history information.

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Certain entities are not required to place a security freeze on a consumer's report (check or fraud prevention services, deposit account information services, or CRAs acting as resellers).

Any time a summary of rights is required to be provided under section 609 of the FCRA (disclosure by a CRA of the contents of the consumer's file to the consumer at the consumer's request), the law mandates that a specified notice regarding the availability of security freezes be provided to Montana consumers.

Any person who willfully fails to comply with the act is liable to the consumer for actual damages between \$100 and \$1,000, costs and reasonable attorney fees, and punitive damages.

A CRA may charge a specified fee to place or temporarily lift a freeze, unless the consumer is a victim of identity theft.

### **NEVADA**

Nevada law (Nev. Rev. Stat. Ann. § 598C.300 et seq.) provides that a consumer may place a security freeze prohibiting the release of information from the consumer's credit file without express authorization of the consumer. To place the freeze, a consumer must send a written request to a CRA by certified mail. The CRA must place the freeze within five business days and within 10 business days send written confirmation and provide the consumer with a PIN or password to be used for authorizing release of the report. The CRA must also provide information regarding the process of removing or temporarily lifting a security freeze and a written disclosure of rights. The act took effect October 1, 2005.

A consumer may allow access to his credit file by a specified party or for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with sufficient identification, the PIN or password, and information regarding the third party or time period for making information available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means to request temporarily lifting of the freeze. The freeze must be lifted or removed within three business days of the request and written confirmation sent that the security freeze has been removed.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- purposes related to an existing account, contract or negotiable instrument,
- purposes relating to an existing business relationship,

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- prescreening under the FCRA, or
- providing a consumer with a copy of the consumer's consumer report or credit score at the consumer's request.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services, CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

The State Attorney General is authorized to bring actions to enforce this law. A person who willfully fails to comply with the law is liable to the affected consumer for actual damages, punitive damages and costs and attorneys' fees. A person who negligently fails to comply with the law is liable to the affected consumer for actual damages, costs and attorneys' fees.

A CRA may charge a specified fee to place, remove or temporarily lift a freeze, unless the consumer is a victim of identity theft or at least 65 years old.

### **NEW HAMPSHIRE**

New Hampshire law (N.H. Rev. Stat. Ann. § 359-B:24) provides that a consumer may place a security freeze prohibiting the release of the consumer report or credit score without the consumer's express authorization. To place a freeze, a consumer who is a victim of identity theft must send a written request via certified mail to a CRA with a valid copy of a law enforcement report or complaint, in which case a fee may not be charged for placing the freeze. Other consumers who are not victims of identity theft may place a freeze by sending a written request to a CRA via certified mail, in which case a specified fee may be charged for each freeze, removal or temporary lifting of the freeze. Within five business days, the CRA must establish the freeze and within 10 business days, send written confirmation, a PIN or password to be used in authorizing lifting of the freeze, and information regarding the process of process for placing and temporarily lifting a security freeze. The act took effect January 1, 2007.

A consumer may allow access to his credit file by a specific party or for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with proper identification, the PIN or password and information regarding the third party or time period for making information available to users, as applicable. A CRA may develop procedures to process requests via

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telephone, fax, the Internet, or other electronic media to receive and process a request. The freeze must be lifted or removed within three business days of receiving the request.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or debt or extending credit to a consumer with a prior or existing account, contract or debtor-creditor relationship,
- prescreening under the FCRA,
- providing a consumer with a copy of his or her consumer report or credit score upon the consumer's request, or
- setting or adjusting an insurance rate or claim or underwriting for insurance purposes.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services, or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

Any time a summary of rights is required to be provided under section 609 of the FCRA (disclosure by a CRA of the contents of the consumer's file to the consumer at the consumer's request), the law mandates that a specified notice regarding the availability of security freezes be provided to New Hampshire consumers.

A CRA or user of information who willfully fails to comply with the law is liable to affected consumers for actual damages or \$1,000, whichever is greater, punitive damages, costs and attorneys' fees. A CRA or user of information who negligently fails to comply with this law is liable to affected consumers for actual damages or \$1,000, whichever is greater, costs and attorneys' fees.

A CRA may charge a specified fee to place, remove, or temporarily lift a freeze, unless the consumer is a victim of identity theft.

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### NEW JERSEY

New Jersey law (N.J. Stat. Ann. § 56:11-44 et seq.) provides that a consumer may place a security freeze prohibiting the release of the consumer's consumer report to a third party without express authorization of the consumer. To place a freeze, a consumer must send a written request to a CRA by certified mail, overnight mail, or e-mail if provided by the CRA. Within five business days, the CRA must establish the freeze and send written confirmation, a PIN or password to be used in authorizing lifting of the freeze, information regarding the process for placing, removing and temporarily lifting a security freeze, and written disclosure of the right to place a freeze. The act took effect January 1, 2006.

A consumer may allow access to his credit file by a specific party or for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must contact the CRA via certified mail, overnight mail, or e-mail and provide identification, the PIN or password and information regarding the third party or time period for making information available to users, as applicable. A CRA may develop procedures to process requests via telephone, fax, the Internet, or other electronic media. The freeze must be lifted or removed within three business days of receiving the request. Regulations are to be promulgated regarding use of electronic media to receive and process consumer requests to temporarily lift a freeze as quickly as possible, with the goal of processing a request within 15 minutes of receipt.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring service,
- reviewing an account or collecting a financial obligation owing for an account, contract, or negotiable instrument,
- prescreening under the FCRA, or
- providing a consumer with a copy of the consumer's consumer report at the consumer's request.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, demand deposit account information services, or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

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Any time a summary of rights is required to be provided under section 609 of the FCRA (disclosure by a CRA of the contents of the consumer's file to the consumer at the consumer's request), the law mandates that a specified notice regarding the availability of security freezes be provided to New Jersey consumers.

A person who willfully fails to comply with requirements under the law is liable to the affected consumer for actual damages of not less than \$100 and not more than \$1000, or if a consumer report was obtained under false pretenses or knowingly without a permissible purpose, actual damages or \$1000, whichever is greater, as well as punitive damages and costs and attorneys' fees. A person who negligently fails to comply with this law is liable to the consumer for actual damages as well as costs and attorneys' fees.

A CRA may charge a specified fee to remove or temporarily lift a freeze, but not to place a freeze.

### **NEW MEXICO**

New Mexico law (SB 165) (to be codified) provides that a consumer may place a security freeze prohibiting the release of the consumer's credit report or score to a third party without express authorization of the consumer. To place a freeze, a consumer must send a written request to a CRA by certified or regular mail, telephone or a secure electronic connection if provided by the CRA. The CRA must establish the freeze within three business days and, within five business days thereafter, must send written confirmation and a PIN, password or similar device to be used in authorizing the release or removal of the freeze. The act took effect July 1, 2007.

A consumer may allow access to his credit file by a specific party or period of time while a freeze is in effect. To lift temporarily or remove the freeze, a consumer must contact the CRA via certified or regular mail or by telephone and provide identification, the PIN, password or similar device, and information regarding the third party or time period for making information available to users if applicable. The freeze must be lifted or removed within three business days after the day the request is received. By September 1, 2008, the CRA must provide a secure electronic mail connection or other electronic means to process a request within 15 minutes. The act provides exceptions to the 15 minute deadline for acts outside of the CRA's control.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or debt,
- prescreening under the FCRA,

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- providing a consumer with a copy of his or her consumer report or credit score at the consumer's request, and
- insurance purposes.

Certain entities are not required to place a security freeze on a consumer's report (check and fraud prevention services, deposit account information services, or CRAs acting as resellers).

Any time a summary of rights is required to be provided under section 609 of the FCRA (disclosure by a CRA of the contents of the consumer's file to the consumer at the consumer's request), the law mandates that a specified notice regarding the availability of security freezes be provided to New Mexico consumers.

The CRA must send written notice to a consumer within five business days if the CRA erroneously releases the consumer's report that is subject to a freeze, including the nature of the information released and the identity and contact information of the recipient.

A consumer may bring an action for civil penalties against a CRA that releases information placed under a security freeze without authorization. Civil penalties include injunctive relief, actual damages, a penalty not to exceed \$2,000 for each violation, costs of the action and reasonable attorney fees.

A CRA may charge a specified fee to either temporarily remove or release it except no charge may be made if the consumer is 65 years of age or older or is a victim of identity theft.

### **NEW YORK**

New York law (N.Y. Gen. Bus. L. § 380-t) provides that a consumer may place a security freeze on his or her consumer credit report prohibiting the release of the report, the contents of the report or the credit score without express authorization of the consumer. To place a freeze, a consumer must send a written request to a CRA by certified or overnight mail at the address designated by the CRA. Within five business days (after January 1, 2008, four business days; or after January 1, 2009, three business days) the CRA must place the freeze and within 10 business days must send written confirmation and provide the consumer with a PIN or password, or other device to be used in authorizing release of the consumer credit report. The CRA must inform the consumer of the process for placing, removing or temporarily lifting a security freeze, including the point of contact for doing so, and including a written disclosure of the consumer's rights. The act took effect November 1, 2006.

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A consumer may allow access to his credit file to specific parties or for a specified period of time while a freeze is in effect. To temporarily lift or to remove the freeze, a consumer must contact the CRA via certified or overnight mail, telephone or other method developed by the CRA and provide proper identification, the PIN or password and information regarding the parties or time period for making information available to users, as applicable. The CRA may permit contact by other methods of communications, including the Internet or other electronic means to temporarily lift the freeze. The freeze must be lifted or removed within three business days of the request.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or negotiable instrument,
- prescreening under the FCRA, or
- providing the consumer with a copy of the consumer's report at his or her request.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services, or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

Any time a summary of rights is required to be provided under section 609 of the FCRA (disclosure by a CRA of the contents of the consumer's file to the consumer at the consumer's request) the law mandates that a specified notice regarding the availability of security freezes be provided to New York consumers.

The CRA must send written notice to a consumer within five business days if the CRA erroneously releases the consumer's report that is subject to a freeze, including the nature of the information released and the identity and contact information of the recipient.

The State Attorney General is authorized to seek an injunction against continued violations and the court may order a sum of no more than \$2,000 per defendant to be paid. A civil penalty also may be imposed of no more than \$5,000 per violation.

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A CRA may charge a specified fee to remove or temporarily lift a freeze, or to place another freeze after removal of a previous freeze, unless the person is a victim of identity theft.

### **NORTH CAROLINA**

North Carolina law (N.C. Gen. Stat. § 75-63) provides that any consumer may place a security freeze prohibiting the release of the consumer's credit report or any information from it to a third party without express authorization of the consumer. To place a freeze, a consumer must send a written request to a CRA by certified mail. Within five business days, the CRA must place the freeze and within 10 business days must send written confirmation and provide the consumer with a PIN or password for use in lifting the freeze. The CRA must inform the consumer of the process for placing and temporarily lifting a security freeze. The act took effect December 1, 2005.

A consumer may allow access to his credit file for a specified period of time while a freeze is in effect. To temporarily lift or to remove the freeze, a consumer must provide the CRA with proper identification, the PIN or password and information regarding the time period for making information available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means to temporarily lift the freeze. The freeze must be lifted or removed within three business days of the request.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an active account or collecting a financial obligation owing for an account, contract or debt,
- prescreening under the FCRA,
- a CRA to provide the consumer with a copy of the consumer's report at his or her request,
- financial institutions for purposes related to checking, savings and investment accounts, or
- setting or adjusting a rate, adjusting a claim or underwriting for property and casualty insurance purposes.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services, or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth,

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SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

When a summary of rights is required to be provided under section 609 of the FCRA (regarding disclosure by a CRA of the contents of the consumer's file to the consumer at the consumer's request), the law mandates that a specified notice regarding the availability of security freezes be provided to North Carolina consumers.

Violations of the law are considered violations of the State law prohibiting unfair or deceptive act or practices, for which actions may be brought by the State Attorney General for civil penalties of up to \$5,000 per violation or an injunction or other equitable relief. Actions may also be brought by injured consumers for treble damages and attorneys' fees.

A CRA may charge a specified fee to place, remove or temporarily lift a freeze, unless the consumer is a victim of identity theft.

### **NORTH DAKOTA**

North Dakota law (HB 1417) (N.D. Cent. Code § 51-33 -02) provides that a consumer may place a security freeze prohibiting the release of the consumer's credit report or any information derived from it, without express authorization of the consumer. A consumer may place a freeze by either mail, telephone, or through a secure electronic mail connection to the CRA. The CRA must place the freeze on the consumer's file within three business days. If a victim of identity theft requests a freeze, the CRA must place the freeze within 48 hours or, beginning August 1, 2009, 24 hours. The CRA must send written confirmation and provide the consumer with a PIN or password for releasing the freeze within five business days after receiving the request. The act took effect June 1, 2007.

A consumer may allow access to his credit file for a specified period of time or a specific party while a freeze is in effect. To temporarily lift or to remove the freeze, a consumer must provide the CRA with proper identification, the PIN or password and information regarding the time period for making information available to users or regarding the third party who is to receive the consumer report, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means to temporarily lift the freeze, with the goal of processing the request within 15 minutes.

Exceptions to the security freeze also include reports provided for:

- reviewing an account or collecting a financial obligation owing for an account, contract, or negotiable instrument,

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- prescreening under the FCRA,
- credit file monitoring,
- providing a consumer with a copy of his or her consumer report or credit score at the consumer's request, or
- setting or adjusting a rate, adjusting a claim or underwriting for insurance purposes.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services, or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

Any time a summary of rights is required to be provided under section 609 of the FCRA, the law mandates that a specified notice regarding the availability of security freezes be provided to North Dakota consumers.

A consumer may bring an action for injunctive relief, the greater of the actual damage or \$2,000 for each violation, and reasonable expenses, costs, and attorney's fees against a CRA that erroneously releases a consumer's credit file. The attorney general also may enforce the law.

A CRA may charge a specified fee for placing or temporarily lifting a security freeze unless the consumer is a victim of identity theft.

### **OKLAHOMA**

Oklahoma law (Okla. Stat. tit. 24, § 150 et seq.) provides that a consumer may place a security freeze prohibiting the release of the consumer report or credit score relating to the opening of new accounts or extension of credit. To place a freeze, the consumer must send a written request to a CRA by certified mail. The CRA shall place a security freeze within five business days of the request (or 10 business days if the freeze is requested prior to March 1, 2007 and the CRA is unable to process due to the volume of requests) and within 10 business days, the CRA shall send written confirmation and provide a PIN or password for use in lifting the freeze. The CRA must inform the consumer of the process for placing and temporarily lifting a security freeze. The act took effect January 1, 2007.

A consumer may allow access to his or her credit file for a specific period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer

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must provide the CRA with proper identification, the PIN or password and information regarding the time period for making information available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means to temporarily lift the freeze. The freeze must be lifted or removed within three business days of the request.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owed for an account, contract or negotiable instrument,
- prescreening under the FCRA,
- providing the consumer with a copy of the consumer's report or credit score at his or her request, or
- underwriting of insurance.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services, or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

When a summary of rights is required to be provided under section 609 of the FCRA (regarding disclosure by a CRA of the contents of the consumer's file to the consumer at the consumer's request), the law mandates that a specified notice regarding the availability of security freezes be provided to Oklahoma consumers.

A person who willfully or negligently fails to comply with this law is liable to an affected consumer for actual damages and costs and attorneys' fees.

A CRA may charge a specified fee to place, remove or temporarily lift a freeze, unless the consumer is a victim of identity theft. No fee may be charged to persons 65 years of age or older to place or remove a freeze.

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### PENNSYLVANIA

Pennsylvania law (SB 180) (to be codified) provides that a consumer may place a security freeze prohibiting the release of the consumer's consumer report without express authorization of the consumer. To place a freeze, a consumer must send a written request to a CRA by certified mail or through a secure internet connection if made available by the CRA. Within five business days, the CRA must establish the freeze and within 10 business days send written confirmation, a PIN or password to be used in authorizing lifting of the freeze and information regarding the process for removing and temporarily lifting the freeze. The act took effect January 1, 2007.

A consumer may allow access to his credit file by a specific party or for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must contact the CRA via certified mail or by a toll-free number or (if made available by the CRA) through a secure internet connection and provide identification, the PIN or password and information regarding the third party or time period for making information available to users, as applicable. A CRA may develop procedures to process requests via telephone, fax, the internet, or other electronic media. The freeze must be lifted or removed within three business days of receiving the request.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract or negotiable instrument,
- prescreening under the FCRA,
- providing the consumer with a copy of the consumer's report at his or her request,
- for check services, fraud prevention services, deposit account information services, or CRAs acting as resellers or
- setting or adjusting a rate, adjusting a claim or underwriting for insurance purposes.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services, or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

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The Attorney General is exclusively authorized to bring an action for unfair or deceptive acts or practices, for which a civil penalty may be imposed of no more than \$1,000 per violation or \$3,000 per violation if the victim is age 60 or older.

A CRA may charge a reasonable fee to place or temporarily lift a freeze, unless the consumer is a victim of identity theft or 65 years of age or older.

### **RHODE ISLAND**

Rhode Island law (R.I. Gen. Laws § 6-48-1 et seq.) provides that a consumer may place a security freeze prohibiting the release of the consumer's credit report or credit score relating to the extension of credit. To place a freeze, the consumer must send a written request to a CRA by certified mail. The CRA must place a security freeze within five business days of the request and within 10 business days, the CRA must send written confirmation and provide a PIN, password or similar device for use in temporarily lifting or removing the freeze. The act took effect January 1, 2007.

The consumer may allow access to his or her credit file for a specific period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with proper identification, the PIN or password and information regarding the time period for making information available to users, as applicable. A CRA may develop procedures to process requests via telephone, fax or, if consent is obtained in the manner required by the federal E-Sign Act, by Internet, e-mail or other electronic media. The freeze must be lifted or removed within three business days of receiving the request.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owed for an account, contract or debt,
- prescreening under the FCRA,
- providing the consumer with a copy of the consumer's report at his or her request, or
- setting or adjusting a rate, adjusting a claim or underwriting for insurance purposes.

Certain entities are not required to place a security freeze on a consumer's report (e.g., check services, fraud prevention services, deposit account services, CRAs acting as resellers).

When a summary of rights is required to be provided under section 609 of the FCRA (regarding disclosure by a CRA of the contents of the consumer's file to the

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consumer at the consumer's request), the law mandates that a specified notice regarding the availability of security freezes be provided to Rhode Island consumers.

A person who willfully fails to comply with this law is liable to affected consumers for actual damages of not less than \$100 and not more than \$1,000, punitive damages, costs and attorneys' fees. A person who is negligent in complying with the law is liable to the consumer for actual damages, costs and attorneys' fees.

A CRA may charge a fee of up to \$10 for any security freeze-related services, unless the person is an identity theft victim or 65 years of age or older.

### **SOUTH DAKOTA**

South Dakota law (2006 S.D. SB 180) (to be codified at ch. 246) provides that a consumer who is a victim of identify theft may place a security freeze prohibiting the release of information from the consumer's report, relating to an extension of credit involving the consumer's report, without express authorization of the consumer. To place a freeze, the victim must send a written request to a CRA by certified mail with a valid copy of a police report. The CRA must place the freeze within five business days of the request and within 10 business days send written confirmation and provide a PIN or password for use in lifting the freeze. The CRA must inform the consumer of the process for placing and temporarily lifting a security freeze. The freeze will remain in place for up to 7 years, unless the consumer opts to remove that freeze at an earlier date. The act took effect July 1, 2006.

An identity theft victim may allow access to his or her credit file for a specific period of time or to specific parties while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with proper identification, the PIN or password and information regarding the time period for making information available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means to temporarily lift the freeze. The freeze must be lifted or removed within three business days of receipt of the request.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owed for an account, contract or negotiable instrument,
- prescreening under the FCRA,
- providing the consumer with a copy of the consumer's report at his or her request, or
- setting or adjusting a rate, adjusting a claim or underwriting for insurance purposes.

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Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services, or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

### **TENNESSEE**

Tennessee law (HB 200) (Tenn. Code Ann. § 47-18 Part 21) permits a consumer to place a security freeze on a consumer report prohibiting the release of the consumer report or credit score without the express authorization of the consumer. To place a freeze, a consumer must make a request in writing by certified mail. Beginning on January 31, 2009, a CRA must make available an electronic method for requesting a freeze. The CRA must place the freeze within three business days after receiving the request and within 10 business days of placing the freeze provide the consumer with written confirmation and a PIN or password to be used to release or temporarily lift the freeze. The CRA must notify the consumer of the process for placing, removing, or temporarily lifting a freeze. The act is effective September 1, 2008.

The consumer may allow access to his credit file for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must contact the CRA and provide proper identification, the PIN or password and information regarding the time period for making information available to third parties, as applicable. The CRA must develop procedures involving the use of telephone, the Internet, or other electronic method to receive and process a request to temporarily lift a freeze and must lift a freeze within 15 minutes of receiving the request. A freeze must be permanently lifted within two days of the consumer's request when the request is made by telephone, the Internet or other electronic means.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- purposes related to an existing account, contract or negotiable instrument,
- prescreening under the FCRA,
- providing a copy of the consumer's report to the consumer upon the consumer's request, or

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- setting or adjusting a rate, adjusting a claim or underwriting for insurance purposes.

Certain entities are not required to place a security freeze on a consumer's report (check or fraud prevention services, deposit account information services, CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer at the consumer's last known address within 30 days of posting changes to the consumer's name, date of birth, SSN or address.

When a summary of rights is required to be provided under section 609 of the FCRA (disclosure by a CRA of the contents of the consumer's file at the consumer's request) the law mandates that a specified notice regarding the availability of security freezes also be provided to Tennessee consumers.

Violators are liable to consumers for actual damages of not less than \$100 and not more than \$1,000, punitive damages and costs and attorney's fees. Persons who negligently fail to comply with requirements of the law are liable to consumers for actual damages, costs and attorney's fees.

A CRA may charge a specified fee for placing or permanently removing a freeze but may not charge a fee to temporarily lift a freeze. A CRA may not charge a consumer who is a victim of identity theft.

### **TEXAS**

Texas law (Tex. Bus. & Com. Code § 20.034) permits a victim of identify theft to place a security freeze prohibiting the release of information from the victim's consumer report without express authorization of the victim. To place a freeze, a victim must send a written request to a CRA by certified mail with a valid copy of a law enforcement report or complaint. The CRA must place the freeze within five business days and within 10 business days provide the consumer with written confirmation and a PIN or password to be used in lifting the freeze. The CRA must notify the consumer of the process for placing, removing and temporarily lifting a security freeze. The act took effect September 1, 2003

The victim may allow access to his credit file by a specified party or for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must contact the CRA in writing or by telephone and provide proper identification, the PIN or password and information regarding the third party or time period for making information available to third parties, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means to process

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requests. The freeze must be lifted or removed within three business days of receipt of the request.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- purposes related to an existing account, contract or negotiable instrument,
- prescreening under the FCRA,
- providing a copy of the consumer's report to the consumer upon the consumer's request,
- for check services, fraud prevention services, or deposit account information services or
- a CRA acting as a reseller.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

A consumer is permitted to bring an action for violations of the law. The State Attorney General also may seek injunctive relief or a civil penalty not to exceed \$2,000 per day the violations continue and attorneys' fees and costs. A violation of the law is considered a false, misleading or deceptive act or practice under Texas law.

A CRA may charge a specified fee for placing a freeze but may not charge a fee to remove or temporarily lift a freeze.

### UTAH

Utah law (Utah Code Ann. § 13.42-201) provides that a consumer may place a security freeze prohibiting release of the credit report or information from the report without express authorization of the consumer to a third party who intends to use it to determine the consumer's eligibility for credit. To place a freeze, a consumer must send a written request to a CRA by certified mail. The CRA must place the freeze within five business days of the request and within 10 business days, the CRA must send written confirmation and provide the consumer with a PIN or password to be used in lifting the freeze. The CRA must inform the consumer of the process for

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placing, removing and temporarily lifting a security freeze. The act will take effect September 1, 2008.

A consumer may allow access to his credit file for a specified period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must provide the CRA with proper identification, the PIN, password or other information sufficient to identify the consumer, and information regarding the time period for making information available to third parties. The CRA may permit contact by telephone, fax, the Internet, or other electronic means in addition to providing a postal address to place, remove or temporarily lift a freeze. If contact is made by telephone or an electronic means during regular business hours, a freeze must be removed with fifteen minutes. Otherwise, a freeze must be removed within three business days.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collect a financial obligation owed by the consumer,
- prescreening under the FCRA, or
- providing a copy of the consumer's report to the consumer upon the consumer's request.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services or CRAs acting as resellers). The act states it is not intended to prohibit a person from obtaining, aggregating or using information lawfully obtained from public records.

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

The State Attorney General is authorized to enforce this law, and seek injunctive relief. A person violating the law is subject to a civil penalty of up to \$2,500 for a violation concerning a specific consumer and up to \$100,000 for related violations against more than one consumer.

A CRA may charge a reasonable fee to place, remove, or lift a freeze. A CRA may not charge a fee for placing or removing a freeze if the consumer is a victim of identity theft.

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### VERMONT

Vermont law (9 Vt. Stat. Ann. § 2480h et seq.) permits a consumer to place a security freeze prohibiting the consumer's credit report or information from it to be released without express authorization of the consumer. To place the freeze, a consumer must send a written request to a CRA by certified mail. The CRA must place the freeze within five business days and, within 10 business days, the CRA must provide the consumer with written confirmation and a PIN or password to be used in lifting the freeze. The CRA must notify the consumer of the process for placing, removing and temporarily lifting a security freeze. The act took effect July 1, 2006.

The consumer may allow access to his credit file by a specified party or for a period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must contact the CRA and provide proper identification, the PIN or password and information regarding the third party or time period for making information available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means to process a request to temporarily lift a freeze. The freeze must be lifted or removed within three business days of receipt of the request.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or debt, or extending credit to a consumer with a prior or existing account, contract or debtor-creditor relationship,
- prescreening under the FCRA,
- setting or adjusting a rate or underwriting for property or casualty insurance purposes, or
- providing a consumer with a copy of the consumer's report at the consumer's request.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services, or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

A CRA may charge a specified fee to place, remove, or lift a freeze, unless the consumer is a victim of identity theft.

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### WASHINGTON

Washington law (Wash. Rev. Code § 19.182.170 et seq.) permits victims of identity theft to place a security freeze prohibiting the release of the consumer's report or information from a report without express authorization of the consumer. Effective September 1, 2008, any consumer who is a Washington resident may place a security freeze. To place a freeze, the consumer must send a written request to a CRA by certified mail with a valid copy of law enforcement report or complaint. The CRA must place the freeze within five business days and within 10 business days, the CRA must provide the consumer with written confirmation and a PIN or password for use in lifting the freeze. The CRA must notify the consumer of the process for placing, removing and temporarily lifting a security freeze. The act took effect July 24, 2005.

The consumer may allow access to his credit file for a specific period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must contact the CRA and provide proper identification, the PIN or password and information regarding the third party or time period for making information available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means to temporarily lift a freeze. The freeze must be lifted or removed within three business days of the request. By September 1, 2008, the CRA must temporarily lift a freeze within 15 minutes of a request received via telephone, fax, the Internet or other electronic means, and within three business days if by mail.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing for an account, contract, or negotiable instrument,
- prescreening under the FCRA, or
- providing a consumer with a copy of the consumer's report at the consumer's request.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services, or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

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The Attorney General is exclusively empowered to enforce this law. A CRA may charge a specified fee for placing, lifting or removing the freeze. A CRA may not charge a victim of identity theft or a consumer who is 65 years of age or older.

### **WISCONSIN**

Wisconsin law (Wis. Stat. Ann. § 100.54) provides that a consumer may place a security freeze prohibiting the release of the consumer's report for any purpose related to an extension of credit without express authorization of the consumer. To place the freeze, a consumer must send a written request by certified mail or other means authorized by the CRA. The CRA must place the freeze within five business days and within 10 business days, the CRA must provide the consumer with written confirmation and a PIN, password or other device for authorizing release of the consumer report. The CRA also must notify the consumer of the procedure to authorize release of the consumer report. The act took effect January 1, 2007.

A consumer may allow access to his or her consumer report for a specified period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must contact the CRA at the point of contact designated by the CRA and provide proper identification, the PIN, password or other device, and information regarding the time period for making information available to users, as applicable. The CRA may permit contact by telephone, fax, the Internet, or other electronic means. The freeze must be lifted or removed within three business days of receipt of the request.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- preventing or investigating potential fraud or theft of identity,
- reviewing an account or collecting a financial obligation owing for an account, contract, or negotiable instrument,
- conducting a business transaction initiated by the individual,
- prescreening under the FCRA, or
- underwriting of insurance involving the individual.

Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services or CRAs acting as resellers).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

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When a summary of rights is required to be provided under section 609 of the FCRA (disclosure by a CRA of the contents of the consumer's file at the consumer's request) the law mandates that a specified notice regarding the availability of security freezes also be provided to Wisconsin consumers.

A person who fails to comply with the law is liable for actual damages sustained by an individual as well as costs and attorneys' fees.

A CRA may charge a specified fee to place, remove, or lift a freeze, unless the consumer is a victim of identity theft.

### **WYOMING**

Wyoming law (Wyo. Stat. Ann. § 40-12-503 et seq.) provides that a consumer may place a security freeze prohibiting the release of a consumer's credit report or any information from it relating to an extension of credit or the opening of a new account without the express authorization of the consumer. To place the freeze, a consumer must send a written request by certified mail. The CRA must place the freeze within five business days and, within 10 business days, the CRA must provide the consumer with written confirmation and a PIN or password to be used in authorizing the release of the consumer report. The act took effect July 1, 2007.

A consumer may allow access to his or her consumer report for a specified period of time while a freeze is in effect. To temporarily lift or remove the freeze, a consumer must contact the CRA at the point of contact designated by the CRA and provide proper identification, the PIN or password, and information regarding the time period for making information available to users, as applicable. The contact method shall include mail, electronic contact method chosen by the CRA, and telephone. The freeze must be lifted or removed within three business days of receipt of the request or after September 1, 2008, within 15 minutes of receipt of the consumer's request via the electronic contact method established by the CRA or telephone.

Exceptions to the security freeze also include reports provided for:

- credit file monitoring,
- reviewing an account or collecting a financial obligation owing to the third party requesting the report or to another person,
- preventing or investigating potential fraud or theft of identity,
- prescreening under the FCRA, or
- providing a consumer with a copy of the consumer's report at the consumer's request.

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Certain entities are not required to place a security freeze on a consumer's report (check services, fraud prevention services, deposit account information services or CRAs acting as resellers, setting or adjusting of a rate or underwriting insurance).

If a security freeze is in place, the CRA must send written confirmation to the consumer within 30 days of posting changes to the consumer's name, date of birth, SSN or address. The written confirmation must be sent to both the new and former addresses in the case of an address change.

If a person violates the security freeze, the consumer must be notified within five business days of the release of the information, including what information was released and the recipient, and must be notified that the consumer may file a complaint with the Federal Trade Commission and the state attorney general.

If the CRA intentionally or negligently violates a valid security freeze and fails to take steps to correct the release and provide the notification, the affected consumer may bring a civil action for injunctive relief, a civil penalty not to exceed \$1,000 plus any other available damages; and reasonable expenses, costs and attorney's fees.

A CRA may charge a specified fee to place, remove, or lift a freeze, unless the consumer is a victim of identity theft.

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