



## *Tomball Police Department's Financial Crimes Victim's Packet*



### Information and Instructions

This packet should be completed once you have contacted the Tomball Police Department and have obtained a police report number related to your financial crime. To obtain a police report number, contact 281-351-5451. Please have all information regarding your case available before you call in order to provide the report taker with specific details concerning the offense(s). Please keep track of your report number as creditors, financial institutions and credit reporting agencies will ask for it.

**My Tomball Police Department Report is #**

This packet is for you to keep and contains information to assist you to help restore your credit and to help ensure that you are not responsible for the debts incurred by the identity thief. In addition, this packet includes information that will allow you to obtain financial records related to the fraudulent accounts and provide those records to law enforcement, which will expedite the investigation for prosecution. We recognize that some victims are only interested in the correction of their credit and do not necessarily wish for prosecution; therefore, we request that you only submit this packet to the Tomball Police Department if you desire prosecution. ***It is important to understand that, in the event a suspect is identified, arrested and the case proceeds to court, you as the victim would mostly likely be required to appear and testify in court.***

*You will need to provide us with necessary documentation in order to **begin** the investigation of your case for prosecution. **Examples of the document evidence we need are on the last page of this packet.*** Please write your report number on all copies of the documents you send us. In identity theft cases it is difficult to identify the suspect(s) as they often use inaccurate information such as addresses and phone numbers. Frequently the investigator cannot find evidence to prove who actually used the victim's name and/or personal information over the phone or internet. It is important to note that even if the suspect cannot be identified for prosecution, it will not affect your ability to correct the fraudulent accounts and remove them from your credit. Furthermore, when you report your identity crime to the Tomball Police Department, all of the relevant information from your case is entered into our database which will allow us to cross-reference your report with potential suspects who are involved in or arrested on other cases. **Your case will not be processed without the inclusion of these supporting documents.**

**NOTE:**

- If you suspect someone is using your personal information for employment and there is no evidence of other identity fraud, please see the section for contacting the Social Security Administration under Additional Useful Information. Do not contact the employer directly as that may warn the suspect employee.
  - If your name and/or information is used by someone else to avoid a traffic ticket or any criminal prosecution, please contact the agency investigating the original crime. It may not be necessary to complete this packet.
- 

**Helpful Hints:**

- Remember that each creditor has different policies and procedures for correcting fraudulent accounts.
  - Keep copies of everything you provide to the creditors or companies involved in the identity theft.
  - Write down all dates, times and names of individuals you speak to regarding the identity theft and correction of your credit.
- 

**Step 1: Contact the involved institution**

If the theft involved existing bank accounts (checking or savings accounts as well as credit or debit cards) you should:

- Close the account that was used fraudulently or put stop payments on all outstanding checks that might have been written without your knowledge.
- Close all credit card accounts that were used fraudulently.
- Close any account accessible by debit card if it has been accessed fraudulently.
- Open new accounts protected with a new secret password and/or new personal identification number (PIN).

If the identity theft involved the creation of **new accounts**, you should:

- Call the involved financial institution or business and notify them of the identity theft.
  - They will likely require additional notification in writing. (see step 4)
-

## Step 2: Contact a credit bureau & request a copy of your credit report

Request the credit bureaus place a "Fraud Alert" on your file which will provide notice that you have been the victim of identity theft. Merchants and financial institutions **may** opt to contact you directly before any new credit is taken out in your name. Some states allow for a Security Freeze in which a PIN can be designated for your credit file which must then be given in order for credit to be extended. Ask the credit reporting bureaus if your state is participating in the Security Freeze Program.

[www.annualcreditreport.com](http://www.annualcreditreport.com) provides one free credit report, per credit bureau agency, per year, with subsequent credit reports available at a nominal fee. **We request that you attach a copy of your most recent credit report highlighting the unauthorized activity and sending it with your Financial Crimes Complaint Form.**

The following is a list of the three (3) major credit reporting bureaus for victims to report fraud:

[www.equifax.com](http://www.equifax.com)

Consumer Fraud Division  
800-525-6285

[www.transunion.com](http://www.transunion.com)

Fraud Victim Assistance Dept.  
800-680-7289

[www.experian.com](http://www.experian.com)

National Consumer Assistance  
888-397-3742

---

## Step 3: File a report with the Federal Trade Commission

You can go on-line to file an identity theft complaint with the FTC at [www.FTC.gov](http://www.FTC.gov) and click on the ID Theft icon or by calling 1-877-IDTHEFT.

---

## Step 4: Contact creditors involved in the Financial Crime

This step involves contacting all companies or institutions that provided credit or opened new accounts for the suspect or suspects both by phone and in writing. Some examples include banks, utility companies, mortgage companies, telephone companies, cell phone companies, doctor's offices, etc. Provide the creditors with the completed Financial Crimes Affidavit (some may require that you use their own affidavit) located at the end of this packet.

- **Financial Crimes Affidavit** — Requests information regarding you as the victim, how the fraud occurred, law enforcement's actions, documentation checklist and Fraudulent Account Statement. NOTE: Some creditors, financial institutions, or collection agencies have their own affidavit that you may have to complete.
- **Fair and Accurate Credit Transactions Act (FACTA)** — Allows for you to obtain copies of any and all records related to the fraudulent accounts. You will then be permitted to provide law enforcement with copies of the records you received related to the fraudulent accounts; thereby allowing us to bypass the sometimes difficult process of obtaining subpoenas for the very same information. It also allows you to request the information be made available to the Tomball Police Department.
- **Letters of Dispute**— Needs to be completed for **every creditor involved in the financial crime**. The letter of dispute should contain information related to the fraudulent account(s), your dispute of the account(s), and your request for the information to be corrected. In addition, the letter should reference FACTA and make a request for copies of any and all records related to the fraudulent accounts be provided to you and made available to the Tomball Police Department.

---

## Step 5: Submit collected information and records

Submit the Financial Crimes Complaint Form (pages 6-9 of this packet) and copies of all information and records obtained from the creditors with regard to the fraudulent accounts to:

Tomball Police Department  
Criminal Investigations Division  
Financial Crimes  
Tomball, Texas 77375  
Or Fax to 281-351-2615

To avoid confusion, and to ensure that all items are forwarded to the assigned detective, we request that you submit everything at one time and, if possible, do not send items separately. **Be sure to write your police report number on all items submitted.** The types of document evidence needed are listed on the next page. The information can be hand delivered or mailed. **Please remember that some victims are only interested in the correction of their credit and do not necessarily wish for prosecution. Therefore, we request that you only submit this packet to the Tomball Police Department if you desire prosecution and would be willing and available to appear and testify in court should a suspect be identified and arrested.**

---

### Additional Useful Information

- **Post Office** — If you suspect that your mail has been stolen or diverted with a false change-of-address request, contact your local postal inspector. You can obtain the address and telephone number of the postal inspector for your area at United States Postal Service website: [www.usps.com/ncsc/locators/findis.html](http://www.usps.com/ncsc/locators/findis.html) or by calling 800-275-8777.
  - **Social Security Administration** — If you suspect that someone is using your social security number to obtain employment, contact the Social Security Administration's fraud hotline at 1-800-269-0271. Order a copy of your Personal Earnings and Benefit Estimate Statement (PEBES) to check the accuracy of your work history on file with the Social Security Administration. You can obtain a PEBES application at your local Social Security office or at [www.ssa.gov/online/ssa-7004.pdf](http://www.ssa.gov/online/ssa-7004.pdf)
  - **Internal Revenue Service** — The IRS Office of Special Investigations can be contacted at [www.IRS.gov](http://www.IRS.gov) to report false tax filings, potential criminal violations of the Internal Revenue Code and related financial crimes.
  - **If you are contacted by a collection agency** — about a debt for which you are not responsible, immediately notify them that you did not create the debt and that you are a victim of identity theft. Follow up with the collection agency and creditor in writing and include a copy of your police report, ID Theft Affidavit, Letter of Dispute and a copy of the FACTA Law.
-

## Documentation for Prosecution

The following items of evidence should be obtained by the victim by using the sample letters to dispute charges and requesting all documentation related to the account(s). This evidence will greatly assist us in initiating an investigation.

- If your **existing accounts** are being accessed, please obtain the following types of documents:
  - Bank statements or bills showing where the transactions occurred
    - Circle or underline the fraudulent transactions as using a highlighter may make it impossible to read photocopies
    - Attempt to obtain a physical address for the transactions from your bank
  - Bills from companies showing merchandise ordered
    - Addresses where items were delivered
    - Tracking information from delivery company verifying shipment receipt
    - Phone numbers/IP addresses associated with the order
  - Any information from the creditor that shows how or where the account was used
  - The name and phone number of any representatives from the businesses you deal with
  
- If **new accounts** have been opened in your name please obtain the following:
  - Bank statements that you may have received for accounts that are not yours
  - Credit reports showing the accounts that are not yours
    - Circle or underline all accounts that are not yours as using a highlighter may make it impossible to read photocopies
  - Bills from utility companies for accounts you did not open
  - Letters or documentation from creditors or utility companies that contain
    - Copies of applications for credit
    - How the account was opened. (in person, over the phone, on internet)
    - Where the account was opened if done in person
    - Where the account is being used (addresses of transactions)
    - Address where any cards, bills, merchandise or correspondence was mailed
    - Any phone numbers associated with the fraudulent account
  - The name and/or employee number and phone number of any representatives from the businesses you deal with
  
- **Credit card fraud and check forgeries:** Complaint forms and supporting documents are only necessary if a suspect has been identified or you have been contacted by an investigator requesting this information. **Expected documentation is not only a statement of the fraudulent charges but the exact location and specific date and time of the transaction, not the posted date/time.**
  
- **Please note:** Due to the volume of cases and the lack of success of identifying suspects from surveillance video systems, investigators will not request video without additional substantive information that would lead to the identification of the suspect.
  
- **All packets received will be reviewed and evaluated to determine if there are viable leads for investigators to pursue. Although not every packet may be assigned for further investigation, we will notify you of our determination. Incomplete packets will not be processed.**

Tomball Police Department Report #:

**Tomball Police Department**

**400 Fannin St.**

**Tomball, Texas 77375**

**281-351-5451/ 281-351-2615 fax**

**FINANCIAL CRIMES COMPLAINT FORM**

*This form should be mailed to the above address along with documents supporting your claim (see page 5). The information you provide will be used to understand what occurred, organize the investigative case, determine where evidence might be found, and determine what financial institutions should be contacted in the course of the investigation. Incomplete complaint forms will not be processed.*

Date this form was filled out: \_\_\_\_\_ Email address: \_\_\_\_\_

Complete Name (print): \_\_\_\_\_

Driver's License # & state: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ SSN#: \_\_\_\_\_

Home Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Employer: \_\_\_\_\_ Work Address: \_\_\_\_\_

Do you know the suspect?                      YES      NO

If yes, what is their relationship to you? \_\_\_\_\_

Suspect Information: Name \_\_\_\_\_

Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Ht: \_\_\_\_\_ Wt: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

How did you become aware of the identity crime? \_\_\_\_\_

What is the full name, address, DOB, and other identifying information that the fraudulent activity was made under?

\_\_\_\_\_

What documents and identifying information were stolen and/or compromised?

\_\_\_\_\_

Do have any information on a suspect in the financial crime?                      YES      NO

\_\_\_\_\_

Please list any documents fraudulently obtained in your name (driver's license, social security cards, etc.)

\_\_\_\_\_



Tomball Police Department Report #:

## TOMBALL POLICE DEPARTMENT

### Affidavit of Fact

(Print additional pages of the affidavit as needed)

***I have been informed that under the Penal Code of the State of Texas, Section 37.02; A person commits the offense of "Perjury" if, with the intent to deceive, and with the knowledge of a statements meaning, he makes a false statement under oath or swears to the truth of a false statement previously made, and the statement is required or authorized by law to be made under oath.***

I have read each page of this statement consisting of \_\_\_pages (s), each page of which bears my signature, and correction, if any, bear my initials. Under penalty of perjury, I hereby state, under oath, that the facts and matters stated herein are within my personal knowledge and are true and correct.

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

A large, empty rectangular box with a thin black border, occupying most of the page. It is intended for a signature or stamp.

## **Additional Information and Sample Letters**

### **If you suspect an internet scam:**

Because internet scams are so varied, resolving cases is often a lengthy process. In many cases, there is no satisfaction for the victim and recouping losses can be difficult. Follow these steps to protect yourself.

### **Review your accounts**

If any fraud activity occurs, follow the Identity Theft resolution instructions.

### **Contact credit reporting agencies**

Check your credit report for unauthorized new accounts. If a fraudulent account is opened, follow the Identity Theft resolution instructions and put a fraud alert on your credit profile.

### **Contact your financial institutions**

Contact them to open new accounts, change your PIN, and/or have your credit/debit cards canceled and reissued.

### **File a complaint**

Contact the Federal Trade Commission (FTC) [www.ftc.gov](http://www.ftc.gov) and the Internet Crime Compliant Center (IC3) <http://www.ic3.gov/default.aspx> to file a report.

### **Contact the company**

Contact the website hosting the fraudulent seller, and let them know. They may have policies in place to help you recover your money.

### **For more information on business identity theft:**

Visit the FBI's cyber investigations website [www.fbi.gov/investigate/cyber](http://www.fbi.gov/investigate/cyber) for details on how to protect yourself.

## Dispute Letter for Credit Card Charges

This sample letter will help you dispute unauthorized transactions on your credit card.

The text in **[brackets]** indicates where you must customize the letter.

**[Date]**

**[Your Name]**

**[Your Address]**

**[Your City, State, Zip Code]**

**[Name of Creditor]**

**[Fraud Department (companies may specify an address to receive fraud dispute letters), or Billing Inquiries Department]**

**[Address]**

**[City, State, Zip Code]**

**[RE: Your Account Number (if known)]**

Dear Sir or Madam:

I am writing to dispute a fraudulent charge on my account in the amount of \$\_\_\_\_\_. I am a victim of identity theft, and I did not make or authorize this charge. I am requesting that the charge be removed, that any finance and other charges related to the fraudulent amount be credited, as well, and that I receive an accurate statement. This request is made pursuant to the Fair Credit Billing Act's amendments to the Truth in Lending Act, 15 U.S.C. §§ 1666-1666b, 12 C.F.R. § 226.13. See also 12 C.F.R. § 226.12(b).

Enclosed are copies of **[use this sentence to describe any enclosed information, such as sales slips, payment records]** supporting my position. Please investigate this matter and correct the billing error as soon as possible.

Sincerely,

**[Your Name]**

Enclosures: **[List what you are enclosing.]**

## Dispute Letter for ATM/Debit Card Transactions

This sample letter will help you dispute unauthorized transactions on your ATM or debit card.

The text in **[brackets]** indicates where you must customize the letter.

**[Date]**

**[Your Name]**

**[Your Address]**

**[Your City, State, Zip Code]**

**[Name of Company]**

**[Address]**

**[City, State, Zip Code]**

RE: Notice of stolen/lost **[or unauthorized use of]** ATM/Debit Card Account Number **[Your account number (if known)]**

Dear Sir or Madam:

I am the victim of identity theft. My ATM/Debit card was lost or stolen **[or was used for an unauthorized transaction]** on **[insert date]**. I did not authorize any transactions on or after this date, and I did not authorize anyone else to use my ATM/Debit card in any way.

I am notifying you, pursuant to the Electronic Fund Transfer Act, and implementing Regulation E, 15 U.S.C. § 1693 et seq., 12 C.F.R. § 205, of my lost **[or stolen]** ATM/Debit Card **[or unauthorized transaction]**. See especially 12 C.F.R. §§ 205.6, 205.11. I request that you investigate any unauthorized transactions involving this card, including but not limited to the following:

**[List of unauthorized transactions].**

I am attaching a copy of each of the following documents to this letter:

1. A copy of my Identity Theft Report which includes:
  - my FTC Identity Theft Report
  - the police report about the theft of my identity
2. The FTC Notice to Furnishers of Information

Please close the account **[if applicable]** and restore any funds which have been withdrawn from my account **[if applicable]**. Please also notify me in writing of the results of your investigation or if you have any questions regarding this notice or my requests. **[As applicable]** Please send me written confirmation that **[any funds have been restored]** and **[the account has been closed]**.

Sincerely,

**[Your Name]**

Enclosures: **[List what you are enclosing]**

## Dispute Letter to a Credit Bureau

This sample letter will help you dispute inaccurate information on your credit report.

The text in **[brackets]** indicates where you must customize the letter.

**[Date]**

**[Your Name]**

**[Your Address]**

**[Your City, State, Zip Code]**

(Write to each relevant credit reporting agency, one at a time:)

Equifax  
P.O. Box 105069  
Atlanta, GA 30348-5069

**-or-**

Experian  
P.O. Box 9554  
Allen, TX 75013

**-or-**

TransUnion  
Fraud Victim Assistance Department  
P.O. Box 2000  
Chester, PA 19016

**[RE: Your Account Number (if known)]**

Dear Sir or Madam:

I am a victim of identity theft and I write to dispute certain information in my file resulting from the crime. I have circled the items I dispute on the attached copy of the report I received. The items I am disputing do not relate to any transactions that I have made or authorized. Please remove/correct this information at the earliest possible time.

**[This/These] item(s) [identify item(s) disputed by name of the source, such as creditors or tax court, and identify type of item, such as credit account, judgment, etc.] [is/are] [inaccurate or incomplete] because [describe what is inaccurate or incomplete about each item, and why] . As required by section 611 of the Fair Credit Reporting Act, 15 U.S.C. § 1681i, a copy of which is enclosed, I am requesting that the item(s) be removed [or request another specific change] to correct the information.**

**[If applicable: Enclosed are copies of [describe any enclosed documentation, such as payment records, court documents] supporting my position.] Please reinvestigate [this/these matter(s)] and [delete or correct] the disputed item(s) as soon as possible.**

Sincerely,

**[Your Name]**

Enclosures: **[List what you are enclosing]**

Proof of identity: **[a copy of my driver's license/other government-issued identification card/other]**

Copy of Credit Report

## Dispute Letter to a Company (for a new account)

This sample letter will help you dispute a fraudulent account that was opened in your name.

The text in **[brackets]** indicates where you must customize the letter.

**[Date]**

**[Your Name]**

**[Your Address]**

**[Your City, State, Zip Code]**

**[Name of Company]**

**[Fraud Department (companies may specify an address to receive fraud dispute letters), or Billing Inquiries Department]**

**[Address]**

**[City, State, Zip Code]**

**[RE: Your Account Number (if known)]**

Dear Sir or Madam:

I am a victim of identity theft and I am writing to dispute certain information you have reported about me to the credit reporting agencies (CRAs). I have enclosed a copy of my FTC Identity Theft Report and my credit report showing the items that I dispute. **[Consumers should redact information from both reports that is unrelated to the dispute with this company.]** Because the information you are reporting is the result of identity theft, and does not reflect my activities, I am requesting that you stop reporting this information to the CRAs pursuant to section 623(a)(1)(B) of the Fair Credit Reporting Act, 15 U.S.C. §1681s-2(a)(1)(B). I ask that you take these steps as soon as possible.

Enclosed are copies of **[use this sentence if applicable and describe any additional enclosed documentation]** supporting my position. Also enclosed is a copy of the Notice to Furnishers issued by the Federal Trade Commission, which details your responsibilities under the Fair Credit Reporting Act as an information furnisher to CRAs. Please cease reporting this information to the CRAs, investigate **[this/these matter(s)]**, and delete the disputed item(s) as soon as possible.

Please send me a letter documenting the actions you have taken to absolve me of any responsibility for the information I am disputing, which resulted from the identity theft.

Sincerely,

**[Your Name]**

Enclosures: **[List what you are enclosing]**

Identity Theft Report

Proof of identity: **[a copy of my driver's license/other government-issued identification card/other]**

Credit report with disputed information indicated

## Dispute Letter to a Company (for an existing account)

This sample letter will help you dispute fraudulent charges or activity on your existing accounts.

The text in **[brackets]** indicates where you must customize the letter.

**[Date]**

**[Your Name]**

**[Your Address]**

**[Your City, State, Zip Code]**

**[Name of Company]**

**[Fraud Department (companies may specify an address to receive fraud dispute letters), or Billing  
Inquiries Department]**

**[Address]**

**[City, State, Zip Code]**

**[RE: Your Account Number (if known)]**

Dear Sir or Madam:

I am writing to dispute **[a]** fraudulent charge(s) on my account in the amount(s) of \$\_\_\_\_\_, and posted on **[dates]**. I am a victim of identity theft, and I did not make **[this/these]** charge(s). I request that you remove the fraudulent charge(s) and any related finance charge and other charges from my account, send me an updated and accurate statement, and close the account **(if applicable)**. I also request that you cease reporting the inaccurate information to all of the nationwide credit reporting agencies (CRAs) to which you provided it.

Enclosed is a copy of my Identity Theft Report supporting my position, and a copy of my credit report showing the fraudulent items related to your company that are the result of identity theft. **[Consumers should redact information that is unrelated to the dispute with this company.]** Also enclosed is a copy of the Notice to Furnishers issued by the Federal Trade Commission, which details your responsibilities under the Fair Credit Reporting Act as an information furnisher to CRAs. The Notice also specifies your responsibilities when you receive notice from a CRA, under section 605B of the Fair Credit Reporting Act, that information you provided to the CRA may be the result of identity theft. Those responsibilities include ceasing to provide the inaccurate information to any CRAs, and ensuring that you do not attempt to sell or transfer the fraudulent debts to another party for collection.

Please investigate this matter and send me a written explanation of your findings and actions.

Sincerely,

**[Your Name]**

Enclosures: **[List what you are enclosing]**

Identity Theft Report

Proof of identity: **[a copy of my driver's license/other government-issued identification card/other]**

Credit report with disputed information indicated

## Request Letter for Getting Business Records Related to Identity Theft

This sample letter will help you get business records relating to the identity theft (like signatures, receipts, and contact information).

The text in **[brackets]** indicates where you must customize the letter.

**[Date]**

**[Your Name]**

**[Your Address]**

**[Your City, State, Zip Code]**

**[Name of Company]**

**[Address specified by the company for 609(e) requests, or, if none is specified, the address for the Fraud Department or Billing Inquiries Department]**

**[City, State, Zip Code]**

**RE: Request for Records Pursuant to Section 609(e) of the Fair Credit Reporting Act**

**[Description of fraudulent transaction/account]**

**[Dates of fraudulent transaction or Account Number (if known)]**

Dear Sir or Madam:

I am a victim of identity theft. The thief **[made a fraudulent transaction/opened a fraudulent account]** in my name with your company. In accordance with section 609(e) of the Fair Credit Reporting Act, 15 U.S.C. § 1681g(e), I am requesting that you provide me copies of business records relating to the fraudulent **[transaction/account]** identified above. The law directs that you provide these documents at no charge, and without requiring a subpoena, within thirty (30) days of your receipt of this request. I am enclosing a copy of the relevant federal law and the Federal Trade Commission's business education publication on this topic.

Enclosed with this request is the following documentation, as applicable:

1. Proof of my identity: A copy of my driver's license, other government-issued identification card, or other proof of my identity; and
2. Proof of my claim of identity theft:
  - A copy of the police report about my identity theft; and
  - A completed and signed FTC Identity Theft Report or alternative affidavit of fact.

Please provide all records relating to the fraudulent **[transaction/account]**, including:

- Application records or screen prints of internet/phone applications
- Statements/invoices
- Payment/charge slips
- Investigator's summary
- Delivery addresses
- All records of phone numbers used to activate or access the account
- Any other documents associated with the account

Please send these records to me at the above address.

**[If applicable: In addition, I authorize the law enforcement officer who is investigating my case to submit this request on my behalf and/or receive copies of these records from you. The law enforcement officer's name, address and telephone number is: [insert officer name, address and telephone]. Please also send copies of all records to this officer.]**

If you have any questions concerning this request, please contact me at the above address or at **[your telephone number]**.

Sincerely,  
**[Your Name]**

Enclosures: **[List what you are enclosing]**

Identity Theft Report

Proof of identity: **[a copy of my driver's license/other government-issued identification card/other]**

Fair Credit Reporting Act Section 609(e)

*A copy of **Businesses Must Provide Victims and Law Enforcement with Transaction Records Relating to Identity Theft***

## Identity Theft Letter to a Debt Collector

This sample letter will help you request that a debt collector stop collecting debts that you don't owe.

The text in **[brackets]** indicates where you must customize the letter.

**[Date]**

**[Your Name]**

**[Your Address]**

**[Your City, State, Zip Code]**

**[Name of Credit Collection Company]**

**[Company Address]**

**[City, State, Zip Code]**

**[RE: Your Account Number (if known)]**

I am a victim of identity theft. An identity thief used my personal information without my permission to open an account and make purchases with **[name of business where account was opened]**. This debt is not mine. I have enclosed proof of my identity and a copy of my FTC Identity Theft Report.

In accordance with the Fair Debt Collection Practices Act, I am asking you to stop collection proceedings against me and stop communicating with me about this debt, except as the Fair Credit Reporting Act allows. I also ask that you notify **[the business where the account was opened]** and tell them the debt is the result of identity theft.

**[Provide details about what happened. Include the dates and amounts of fraudulent transactions.]**

I have enclosed a copy of the Federal Trade Commission's Notice to Furnishers of Information. It explains your responsibilities under the Fair Credit Reporting Act (FCRA). The FCRA requires that debt collectors give an identity theft victim documents related to an account if the victim asks. Please send me copies of all records relating to the account, including:

- Account applications made on paper, online, or by telephone
- Account statements or invoices
- Records of payment or charge slips
- Delivery addresses associated with the account
- Records of phone numbers used to activate or access the account
- Signatures on applications and accounts
- Investigators report

Please send me a letter explaining what you have done to:

- Inform **[business where the account was opened]** that the debt is the result of identity theft
- Stop collection proceedings against me
- Stop reporting information about the debt to credit reporting companies
- Provide me with the records I request

Thank you for your cooperation.

Sincerely,  
**[Your Name]**

Enclosures: **[List what you are enclosing]**

Identity Theft Report

Proof of identity: **[a copy of my driver's license/other government-issued identification card/other]**

**FCRA 609(e) (15 U.S.C. § 1681g(e))**  
**Disclosures to Consumers – Information Available to Victims**

(e) Information available to victims

(1) In general. For the purpose of documenting fraudulent transactions resulting from identity theft, not later than 30 days after the date of receipt of a request from a victim in accordance with paragraph (3), and subject to verification of the identity of the victim and the claim of identity theft in accordance with paragraph (2), a business entity that has provided credit to, provided for consideration products, goods, or services to, accepted payment from, or otherwise entered into a commercial transaction for consideration with, a person who has allegedly made unauthorized use of the means of identification of the victim, shall provide a copy of application and business transaction records in the control of the business entity, whether maintained by the business entity or by another person on behalf of the business entity, evidencing any transaction alleged to be a result of identity theft to—

(A) the victim;

(B) any Federal, State, or local government law enforcement agency or officer specified by the victim in such a request; or

(C) any law enforcement agency investigating the identity theft and authorized by the victim to take receipt of records provided under this subsection.

(2) Verification of identity and claim. Before a business entity provides any information under paragraph (1), unless the business entity, at its discretion, otherwise has a high degree of confidence that it knows the identity of the victim making a request under paragraph (1), the victim shall provide to the business entity—

(A) as proof of positive identification of the victim, at the election of the business entity—

(i) the presentation of a government-issued identification card;

(ii) personally identifying information of the same type as was provided to the business entity by the unauthorized person; or

(iii) personally identifying information that the business entity typically requests from new applicants or for new transactions, at the time of the victim's request for information, including any documentation described in clauses (i) and (ii); and

(B) as proof of a claim of identity theft, at the election of the business entity--

(i) a copy of a police report evidencing the claim of the victim of identity theft; and

(ii) a properly completed--

(I) copy of a standardized affidavit of identity theft developed and made available by the Commission; or

(II) an [FN1] affidavit of fact that is acceptable to the business entity for that purpose.

(3) Procedures. The request of a victim under paragraph (1) shall--

(A) be in writing;

(B) be mailed to an address specified by the business entity, if any; and

(C) if asked by the business entity, include relevant information about any transaction alleged to be a result of identity theft to facilitate compliance with this section including--

(i) if known by the victim (or if readily obtainable by the victim), the date of the application or transaction; and

(ii) if known by the victim (or if readily obtainable by the victim), any other identifying information such as an account or transaction number.

(4) No charge to victim. Information required to be provided under paragraph (1) shall be so provided without charge.

(5) Authority to decline to provide information. A business entity may decline to provide information under paragraph (1) if, in the exercise of good faith, the business entity determines that--

(A) this subsection does not require disclosure of the information;

(B) after reviewing the information provided pursuant to paragraph (2), the business entity does not have a high degree of confidence in knowing the true identity of the individual requesting the information;

(C) the request for the information is based on a misrepresentation of fact by the individual requesting the information relevant to the request for information; or

(D) the information requested is Internet navigational data or similar information about a person's visit to a website or online service.

(6) Limitation on liability. Except as provided in section 1681s of this title, sections 1681n and 1681o of this title do not apply to any violation of this subsection.

(7) Limitation on civil liability. No business entity may be held civilly liable under any provision of Federal, State, or other law for disclosure, made in good faith pursuant to this subsection.

(8) No new recordkeeping obligation. Nothing in this subsection creates an obligation on the part of a business entity to obtain, retain, or maintain information or records that are not otherwise required to be obtained, retained, or maintained in the ordinary course of its business or under other applicable law.

(9) Rule of construction

(A) In general. No provision of subtitle A of title V of Public Law 106-102, prohibiting the disclosure of financial information by a business entity to third parties shall be used to deny disclosure of information to the victim under this subsection.

(B) Limitation. Except as provided in subparagraph (A), nothing in this subsection permits a business entity to disclose information, including information to law enforcement under subparagraphs (B) and (C) of paragraph (1), that the business entity is otherwise prohibited from disclosing under any other applicable provision of Federal or State law.

(10) Affirmative defense. In any civil action brought to enforce this subsection, it is an affirmative defense (which the defendant must establish by a preponderance of the evidence) for a business entity to file an affidavit or answer stating that—

(A) the business entity has made a reasonably diligent search of its available business records;  
and

(B) the records requested under this subsection do not exist or are not reasonably available.

(11) Definition of victim. For purposes of this subsection, the term “victim” means a consumer whose means of identification or financial information has been used or transferred (or has been alleged to have been used or transferred) without the authority of that consumer, with the intent to commit, or to aid or abet, an identity theft or a similar crime.

(12) Effective date. This subsection shall become effective 180 days after December 4, 2003.

(13) Effectiveness study. Not later than 18 months after December 4, 2003, the comptroller General of the United States shall submit a report to Congress assessing the effectiveness of this provision.