

BowTieLawyer

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Identity Thieves; What to do when your Thanksgiving Black Friday is Stolen

With Thanksgiving and Christmas quickly approaching we must also be vigilant in protecting our wallets during the busiest shopping season of the year. Along with serious shopping comes a serious chance of having your identity stolen. Recently a former client inquired what could be done about his stolen identity and fraudulent charges.



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A colleague and Meridian attorney Amanda Evans provided this insightful primer on what to do if your identity is stolen.

- (1) Contact the local police department and file a report of the theft. Be sure to take as much information as you can. *(Not all police stations will want to take the report, but the Federal Trade Commission has a Staff Memorandum to Police on the Importance of Taking Identity Theft Police Reports which may encourage you to have the report filed.)
- (2) Contact any creditors for the accounts that you believe have been corrupted or fraudulently used.
 - a. Ask to speak with the Fraud or Security Department and inform them of the theft. Some companies accept an Identity Theft Affidavit, but some require particular documentation to be provided. Be sure to obtain the specific address to which a dispute letter or ID Theft Affidavit should be mailed. Follow up the conversation with a letter.
 - b. Request that the company provide all documents underlying the fraudulent activity. The Fair Credit Reporting Act section 609(e), provides that creditors must give you a copy of these records within thirty (30) days of receipt of your request. In order to obtain these records, you should mail your request to the address chosen by the creditor. Contact the creditor's fraud department to find out if the creditor has chosen a specific address.
 - c. If someone is misusing your existing checking account, accounts, or electronic financial services such as your debit card, you should dispute in writing any charges run up by the identity thief. Insist on having debits reinstated. Ask the representative to send you the company's dispute forms. Dispute any bad checks passed in your name with merchants so they do not take collection actions against you.

(3) Contact the Fraud Department the credit reporting agencies (CRAs). Inform them that you are an identity theft victim and that you wish to place a fraud alert on your file, as well as a victim's alert requesting a call to you by the credit bureaus before opening or changing credit accounts. An initial alert will be placed, and this can be extended to 7-years, or a credit freeze can be placed. (As soon as one bureau confirms your fraud alert, the other two credit bureaus will be automatically notified to place and all three credit reports will be sent to you free of charge. The victim should receive confirmation from all three CRAs confirming the 90-day fraud alert. If no letter is received, the individual CRA should be contacted. The victim may be asked to provide additional proof of the identity theft.)

The three major credit agencies and their contact information are:

1. Equifax

For Fraud Alerts, call: [800-525-6285](tel:800-525-6285) and write:

P.O. Box 740241, Atlanta, GA 30374-0241

2. Experian

For Fraud Alerts, call: 888-EXPERIAN (397-3742) and write:

P.O. Box 9530, Allen TX 75013

3. TransUnion

For Fraud Alerts, call: [800-680-7289](tel:800-680-7289) and write:

Fraud Victim Assistance Division, P.O. Box 6790, Fullerton, CA 92634

(4) Each CRA will provide a free credit report. The victim should review the report. The victim should check the reports for errors. If there are errors the victim will need to contact the CRAs in order to correct the reports. The CRAs are required to block fraudulent items that the consumer did not open or that they did not make. Attempting to have the report corrected can be initiated by the victim sending an Identity Theft Affidavit (police report), letter explaining what is fraudulent (highlight areas on the report), and proof of identity theft.

(5) File a report with the Federal Trade Commission (FTC) on their Identity Theft Hotline at 1-877-IDTHEFT ([1-877-438-4338](tel:1-877-438-4338)) or their website at www.consumer.gov/idtheft.

(6) Contact the Consumer Protection Division of the Mississippi Attorney General's Office and request an ID Theft Packet at [1-800-281-4418](tel:1-800-281-4418). Complete the ID Theft Affidavit in the packet and return it to:

Mississippi Attorney General's Office
Consumer Protection Division
Post Office Box 22947
Jackson, MS 39225-2947

(7) Once the identity theft dispute has been resolved with the creditor, ask for a letter from the creditor stating they have closed the disputed accounts and have discharged you of the fraudulent debts. This letter is important if errors relating to this account reappear on your credit report or the victim is mistakenly contacted about the fraudulent debt. Keep old files. Although most cases once resolved, stay resolved, in some cases they can crop up again.

