



Legal Briefs

From the Fort Knox Legal Assistance Office

Identity Theft

What is Identity Theft?

Identity theft occurs when someone uses your personal information to commit fraud, theft, or some other crime. The identity thief may use such information as your name, social security number, or credit card number. Once an identity thief has taken your information, they may use it to enter into contracts such as leases, open new credit accounts, or simply take your money or make purchases on your accounts. Often, the target of identity theft does not discover the crime until the damage has been done. Sometimes repairing the damage done by an identity theft can take considerable time and money.

Am I at risk of being a victim?

Unfortunately, almost anyone who leads a normal consumer lifestyle could become a victim of identity theft. Our daily activities include several transactions that make our information vulnerable to theft. Identity thieves use tactics as simple as dumpster diving for old bank statements or bills in order to gain your information. Others may solicit your information through official sounding emails or other correspondence from recognized institutions. Sometimes credit card numbers are kept for improper purposes when you make a purchase at a store or restaurant. Due to the way we do business in modern times, there is no way to completely neutralize the risk of identity theft. There are several things we can do to prevent it or minimize the harmful effects.

How do I know if I am a victim? What do I do next?

Depending on the type of theft, you may find out through a credit report, collection action from an unknown creditor, or by reviewing your bank statements. The key is to review your information (especially your credit report) often in order to detect fraud quickly. Once you have detected an identity theft or fraud, the Federal Trade Commission recommends taking the following four steps immediately:

1. Place a fraud alert with one of the three major credit reporting agencies (CRAs). The CRA (Equifax, Transunion, or Experian) you contact is required to notify the other two. The fraud alert can prevent further fraudulent accounts from being opened. Keep copies of any documentation or correspondence.
 2. Contact each individual company and close any accounts that may be fraudulent or have been tampered with. Contact them in person or by phone initially, but always follow up in writing. Always remember to keep copies of all documentation and correspondence.
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3. File a complaint with the Federal Trade Commission. You may use a printed copy of the FTC ID Theft Complaint form to file a report with the police. Also, a copy of your FTC complaint AND a police report constitute an **Identity Theft Report**. An Identity Theft Report entitles you to certain legal protections and can be used to permanently block fraudulent information from appearing on your credit report, prevent fraudulent debts from reappearing on your credit report, and prevent collections on accounts resulting from identity theft. You can file a complaint with the FTC using the online complaint form; or call the FTC's Identity Theft Hotline, toll-free: 1-877-ID-THEFT (438-4338); TTY: 1-866-653-4261; or write Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580. Be sure to call the Hotline to update your complaint if you have any additional information or problems.

4. File a police report. When you file the police report, make sure you bring your FTC ID Theft Complaint and any supporting documentation. As stated above, the combination of the police report and the FTC ID Theft Complaint can entitle you to legal protection. Filing this information also helps law enforcement agencies investigate and stop identity thieves. Again, make sure you keep any documentation or correspondence for future use.

What can I do to prevent Identity Theft?

The two most effective weapons against identity theft are keeping your information as secure as possible and diligently monitoring your personal information and credit records. This will make it more difficult for identity thieves to access your information, and also allow you to promptly discover any issues that arise. Keeping information secure includes careful attention to whom you release information, shredding all vulnerable documents that you throw away, and monitoring your mail to make sure documents or statements are not being diverted. Monitoring your information includes checking your credit report often and paying attention to activity on all your accounts. The federal Fair Credit Reporting Act (FCRA) requires each of the three major CRAs to provide you with one free copy of your credit report every 12 months. To meet this requirement, the three credit reporting agencies have set up a website, a toll-free telephone number and a mailing address through which you can obtain your free annual report. You may access this credit report at <http://www.annualcreditreport.com>, by calling 1-877-322-8228, or by completing the annual credit report request form and mailing it to Annual Credit Report Request Service, P.O. Box 105281, Atlanta, GA 30348-5281. Other websites advertising free credit reports may be selling a credit monitoring service and may require subscription to the service.

If you find any issues, remember to start with the four steps listed above. Also, remember that there are other laws such as the FCRA and the federal Fair Debt Collection Practices Act which may provide additional rights to you. You can find additional information at the Federal Trade Commission website, <http://www.ftc.gov/bcp/edu/microsites/idtheft>.

Remember: The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice.

If you have any questions concerning these matters, please call the Legal Assistance Office for an appointment at (502) 624-2771 or visit our website at www.knox.army.mil/center/sja/. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Knox Legal Assistance Office is located in Building 1310, Pike Hall at the corner of Knox and Third Street.