



Identity Theft Victim Checklist

CONSUMER INFORMATION SHEET 3

This checklist can help identity theft victims to clear up their records. It lists the actions most identity theft victims should take to limit the damage done by the thief. Use the contact logs at the end of the checklist to keep a record of all your contacts with credit bureaus, creditors and others. Keep copies of all the letters you send and receive.

For more information, see the web sites of the Federal Trade Commission (www.consumer.gov/idtheft), the Identity Theft Resource Center (www.idtheftcenter.org), the Privacy Rights Clearinghouse (www.privacyrights.org), and the Department of Consumer Affairs (www.dca.ca.gov).

✓ Report the fraud to the three major credit bureaus.

Ask each of the credit bureaus to flag your file with a “fraud alert.” Also, ask them to add a victim’s statement to your credit report. The victim’s statement tells creditors to call you to get your approval if they receive requests to open new accounts. Give them a phone number to use to contact you. Ask each credit bureau for a free copy of your credit report. As a victim of identity theft, you have the right to a free report from each credit bureau. For more on what to tell the credit bureaus, see “Identity Theft: What to Do When It Happens to You” at www.privacyrights.org/fs/fs17a.htm.

✓ Report the crime to the police.

Under California law, you can report identity theft to your local police department. Ask the police to issue a police report of identity theft. You may have to show copies of the laws to the police. The laws are on the last pages of this information sheet. Give the police as much information on the theft as possible. Give them any new evidence you collect to add to your report. Be sure to get a copy of your police report. You will need to give copies to creditors and the credit bureaus. For more information, see “Organizing Your Identity Theft Case” by the Identity Theft Resource Center, available at www.privacyrights.org/fs/fs17b-org.htm.

✓ Request information on fraudulent accounts.

When you file your police report of identity theft, the officer may give you forms to use to request account information from credit grantors. If the officer does not do this, you can use the forms available from the Office of Privacy Protection at www.privacyprotection.ca.gov/howto530.8.htm. Send copies of the forms to all creditors where the thief opened or applied for accounts, along with copies of the police report as described below. Give the information you receive from creditors to the officer investigating your case.

✓ **Call creditors.**

Call all creditors for any accounts that the thief opened or used. When you call, ask for the security or fraud department. Creditors can be credit card companies, other lenders, phone companies, other utility companies, and department stores. Tell them you are an identity theft victim. Ask them not to hold you responsible for charges the thief made. Ask them to close those accounts and to report them to credit bureaus as “closed at consumer’s request.” If you open new accounts, have them set up to require a password or PIN to approve use. Don’t use your mother’s maiden name or the last four numbers of your Social Security number as your password. For more information on what to tell creditors, see the “Identity Theft: What to Do When It Happens to You,” available at www.privacyrights.org/fs/fs17a.htm and the Federal Trade Commission’s “When Bad Things Happen to Your Good Name,” available at www.ftc.gov/bcp/online/pubs/credit/idtheft.htm.

✓ **Review your credit reports carefully.**

Look for accounts opened in your name that you did not open. Also, look for charges to your accounts that you did not make. And look for late payments or non-payments that are not yours. Check your name, address and Social Security number. Look at the Inquiries section of the report. Ask the credit bureaus to remove any inquiries from companies holding fraudulent accounts in your name. Ask each credit bureau to remove all information in your credit report that results from the theft. Order new credit reports every three months until your situation has cleared up. You may have to pay \$8 for each report after the first free one.

✓ **Use the ID Theft Affidavit.**

The Federal Trade Commission’s ID Theft Affidavit is a form that can help you clear up your records. The Affidavit is accepted by the credit bureaus and by many major creditors. Send copies of the completed form to creditors where the thief opened accounts in your name. Also send copies to creditors where the thief made charges on your account, to the credit bureaus, and to the police. The form is available on the FTC web site at www.consumer.gov/idtheft/affidavit.htm.

✓ **Write to the credit bureaus.**

Write a letter to each credit bureau. Repeat what you said in your telephone call (see above). Send copies of your police report and completed ID Theft Affidavit. Remind the credit bureaus that they must remove any information that you, an identity theft victim, say is the result of the theft. Send your letters by certified mail, return receipt requested. Keep a copy of each letter.

✓ **Write to creditors.**

Write a letter to each creditor. Repeat what you said in your telephone call (see above). Send copies of your police report and the completed ID Theft Affidavit. Send your letters by certified mail, return receipt requested. Keep copies of your letters. Continue to review your bills carefully and report any new fraudulent charges to the creditor.

✓ **If your checks or bank account information were stolen...**

Close your bank account. Open a new one with a new account number. Tell the bank you want to use a new password for access to your new account. Do not use your mother's maiden name or the last four digits of your Social Security number. Report the stolen checks to the check verification companies that stores use. For more information on stolen checks, see "Identity Theft: What to Do When It Happens to You," at www.privacyrights.org/fs/fs17a.htm.

✓ **If your driver's license or DMV-issued ID card was stolen...**

Immediately contact your local DMV office to report the theft. Ask them to put a fraud alert on your license. Then call the toll-free DMV Fraud Hotline at 866-658-5758. If the thief is using your license as ID, you may want to change your license number. Ask DMV for an appointment. Take a copy of the police report and copies of bills or other items supporting your claim of fraud. You will also need to prove your identity. Take current documents such as a passport, a certification of citizenship or naturalization, or a U.S. military photo ID. DMV will issue a new driver's license or ID card number when you meet all the requirements. For more information, see "Identity Theft: Have You Been A Victim of Identity Theft? DMV Can Help," available at www.dmv.ca.gov/pubs/brochures/fast_facts/ffdl24.htm.

✓ **If your mail was stolen or your address changed by the identity thief...**

Notify the Postal Inspector if you think the identity thief has stolen your mail or filed a change of address request in your name. To find your nearest Postal Inspector, look in the white pages of the telephone book for the Post Office listing under United States Government. Or go to the Postal Inspection Service's web site at <http://www.usps.com/ncsc/locators/find-is.html>.

✓ **If you are wrongly accused of a crime committed by the identity thief...**

In the case of a false civil judgment, contact the court where the judgment was entered. Report that you are a victim of identity theft. In the case of a false criminal judgment, contact the California Department of Justice at 888-880-0240 and the FBI. Ask them for information on how to clear your name. To find the local field office of the FBI, look in the white pages of the telephone book for the FBI under United States Government. Or go to the FBI's web site at <http://www.fbi.gov/contact/fo/fo.htm>.

✓ **If you are contacted by a debt collector...**

Tell the debt collector that you are the victim of identity theft. Say that you dispute the validity of the debt. Say that you did not create the debt and are not responsible for it. Send the collector a follow-up letter saying the same things. Include a copy of your police report and of any documents you've received from the creditor. Write that your letter gives notice to a claimant under California Civil Code section 1798.93(c)(5) that a situation of identity theft exists. Send the letter by certified mail, return receipt requested.

If the debt collector is not the original creditor, send your letter within 30 days of receiving the collector's first written demand for payment.

✓ **A word about your Social Security number ...**

Sometimes, an identity thief will use the victim's Social Security number to be able to work. It's a good idea to check your Social Security earnings record to see if the thief is using your Social Security number. You can get a copy of your earnings record by calling 1-800-772-1213. Or get a Request for Social Security Statement (Form 7004) at www.ssa.gov/online/ssa.7004.pdf. If the thief is using your Social Security number, call the Social Security Fraud Hotline at 1-800-269-0271. You can also read "When Someone Misuses Your Number" at www.ssa.gov/pubs/10064.html.

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Calls to Credit Bureaus

Credit Bureau	Date	Contact Person	Comments
Equifax 800-525-6285			
Experian 888-397-3742			
Trans Union 800-680-7289			

Calls to Police

Date	Contact Person	Comments

Letters to Credit Bureaus

Credit Bureau	Date Sent
Equifax P. O. Box 740241 Atlanta, GA 30374	
Experian Consumer Fraud Assistance P. O. Box 949 Allen, TX 75013	
Trans Union Fraud Victim Assistance Division P. O. Box 6790 Fullerton, CA 92834	

Letters to Creditors

Creditor	Date Sent

Remember to send letters by certified mail, return receipt requested. Keep copies of all letters.

Calls to Check Verification Companies

Company	Phone Number	Date	Contact Person	Comments
CheckRite	800-766-2748			
Chexsystems	800-428-9623			
CrossCheck	800-843-0760			
Equifax	800-437-5120			
SCAN	800-262-7771			
Telecheck	800-710-9898			
International Check Services	800-526-5380			

Penal Code Section 530.5: Definition of Identity Theft

530.5 (a) Every person who willfully obtains personal identifying information, as defined in subdivision (b), of another person without the authorization of that person, and uses that information for any unlawful purpose, including to obtain, or attempt to obtain, credit, goods, services, or medical information in the name of the other person without the consent of that person, is guilty of a public offense, and upon conviction therefor, shall be punished either by imprisonment in a county jail not to exceed one year, a fine not to exceed one thousand dollars (\$1,000), or both that imprisonment and fine, or by imprisonment in the state prison, a fine not to exceed ten thousand dollars (\$10,000), or both that imprisonment and fine.

(b) "Personal identifying information," as used in this section, means the name, address, telephone number, driver's license number, social security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number, or credit card number of an individual person.

(c) In any case in which a person willfully obtains personal identifying information of another person without the authorization of that person, and uses that information to commit a crime in addition to a violation of subdivision (a), and is convicted of that crime, the court records shall reflect that the person whose identity was falsely used to commit the crime did not commit the crime.

Penal Code Section 530.6: Police Jurisdiction and Expedited Judicial Action

530.6 (a) A person who has learned or reasonably suspects that his or her personal identifying information has been unlawfully used by another, as described in subdivision (a) of Section 530.5, may initiate a law enforcement investigation by contacting the local law enforcement agency that has jurisdiction over his or her actual residence, which shall take a police report of the matter, provide the complainant with a copy of that report, and begin an investigation of the facts or, if the suspected crime was committed in a different jurisdiction, refer the matter to the law enforcement agency where the suspected crime was committed for an investigation of the facts.

(b) A person who reasonably believes that he or she is the victim of identity theft may petition a court for an expedited judicial determination of his or her factual innocence, where the perpetrator of the identity theft was arrested for or convicted of a crime under the victim's identity, or where the victim's identity has been mistakenly associated with a record of criminal conviction. Any judicial determination of factual innocence made pursuant to this section may be heard and determined upon declarations, affidavits, police reports, or other material, relevant, and reliable information submitted by the parties. Where the court determines that the petition is meritorious and that there is no reasonable cause to believe that the petitioner committed the offense for which the perpetrator of the identity theft was arrested or convicted, the court shall find the petitioner factually innocent of that offense. If the petitioner is found factually innocent, the court shall issue an order certifying this determination. The Judicial Council of California shall develop a form for use in issuing an order pursuant to these provisions. A court issuing a determination of factual innocence pursuant to this section may at any time vacate that determination if the petition, or any information submitted in support of the petition, is found to contain any material misrepresentation or fraud.

Penal Code Section 530.7: ID Theft Victim Data Base

530.7 (a) In order for a victim of identity theft to be included in the data base established pursuant to subdivision (c), he or she shall submit to the Department of Justice a court order obtained pursuant to any provision of law, a full set of fingerprints, and any other information prescribed by the department.

(b) Upon receiving information pursuant to subdivision (a), the Department of Justice shall verify the identity of the victim against any drivers license or other identification record maintained by the Department of Motor Vehicles.

(c) The Department of Justice shall establish and maintain a data base of individuals who have been victims of identity theft. The department shall provide a victim of identity theft or his or her authorized representative access to the data base in order to establish that the individual has been a victim of identity theft. Access to the data base shall be limited to criminal justice agencies, victims of identity theft, and individuals and agencies authorized by the victims.

(d) The Department of Justice shall establish and maintain a toll free number to provide access to information under subdivision (c). (e) This section shall be operative September 1, 2001.

Penal Code Section 530.8: Access to Information on Fraudulent Accounts

If a person discovers that an application in his or her name for a loan, credit line or account, credit card, charge card, or utility service has been filed with any person by an unauthorized person, or that an account in his or her name has been opened with a bank, trust company, savings association, credit union, or utility by an unauthorized person, then, upon presenting to the person or entity with which the application was filed or the account was opened a copy of a police report prepared pursuant to Section 530.6 and identifying information in the categories of information that the unauthorized person used to complete the application or to open the account, the person shall be entitled to receive information related to the loan, credit line or account, credit card, charge card, utility service, or account, including a copy of the unauthorized person's application or application information for, and a record of transactions or charges associated with, the loan, credit line or account, credit card, charge card, utility service, or account. Upon request by the person in whose name the application was filed or in whose name the account was opened, the person or entity with which the application was filed shall inform him or her of the categories of identifying information that the unauthorized person used to complete the application or to open the account.