



FAIR CREDIT REPORTING ACT



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WHAT IS THE FCRA?

The federal Fair Credit Reporting Act (FCRA) is a law that enforces accuracy, fairness, and privacy of information in the files of every consumer credit reporting agency (CRA). CRAs are companies that collect and sell information about you (such as whether you pay your bills on time or have ever filed for bankruptcy) to other creditors, employers, landlords, and businesses. The FCRA gives you certain specific rights.

WHAT ARE MY RIGHTS?

1. **You must be told if information in your credit report is being used against you.** Anyone who uses your credit report to take action against you (such as denying a loan) must tell you AND give you the name, address, and phone number of the CRA that provided your report.
2. **You can see what is in your credit report.** At your request, a CRA must give you a copy of your report and a list of everyone who has recently requested it. If you request your report within 60 days of someone taking action against you, such as denying an application for a credit, insurance, or employment based on that report, there is no fee. You are also entitled to a free report if you are a) unemployed but plan to look for work within 60 days, b) on welfare, c) your report is inaccurate due to fraud, or d) you are the victim of identity theft and have placed a fraud alert on your credit report. In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. Most people request one free report every four months between the agencies. Otherwise, a CRA may charge a small fee. A CRA may also charge to disclose your credit score.
3. **You can dispute information in your report.**
 - a) Tell the credit card company in writing, with return receipt requested; what information you believe is inaccurate.
 - b) Supplement the written dispute forms you may receive in addition to your credit report with details and copies of documents. Be as specific as possible—any lack of detail may hurt you later. Credit reporting companies must investigate the items in question and give you the results in writing.
 - c) Keep a file of all your correspondence.
 - d) Notify the creditor of the dispute. This prevents the creditor from claiming they do not have enough information to properly investigate the dispute. Be sure to include copies of the documents that support your position.
 - e) Send your dispute to all three major CRAs: Experian www.experian.com, Trans Union www.transunion.com, and Equifax www.equifax.com. Corrections at one agency do not correct the error at the other agencies.
 - f) If an account has changed ownership due to mergers or transfers of the account, be sure to dispute the original account and the account as owned by subsequent owners of the account.

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- g) Sign your dispute under oath, which is an affidavit. This provides greater credibility.
- h) Include copies of all documents that support your dispute.
- i) Provide information that shows the creditor has not provided accurate information about similar debts for others. The internet is a good source for finding similar complaints. The Federal Trade Commission is the federal agency that works to prevent fraudulent consumer business practices; and their website, www.ftc.gov, is a useful resource.

If you notify the CRA in writing that your credit report is not accurate, the CRA must investigate the items within 30 days by giving the CRA's information source (such as a bank or credit card company) the evidence you submit (unless your dispute is frivolous). The source must then review your evidence and report back to the CRA. The source must also notify other national CRAs of any error. The CRA must then give you a written report of the investigation and a copy of your report if the investigation results in any change to your report. All the CRAs allow you to dispute the item either over the phone or in writing. However, in order to dispute an item over the phone you may need to order a copy of your credit report first.

4. **You may attach a statement to your credit report.** If an investigation by the CRA does not resolve your dispute, you may attach a brief statement to your credit report, which the CRA must then include in future reports.
5. **Inaccurate information must be corrected or deleted.** A CRA must remove such information from your report, usually within 30 days after you disputed it.
6. **You can dispute an inaccurate item with the source of the information.** If you notify the source that you dispute an item, they may not report that item to a CRA without including a notice of your dispute.
7. **Outdated information cannot be reported!** In most cases a CRA may not report negative information about you that is more than 7 years old or 10 years in the case of bankruptcies.
8. **Access to your credit report is limited.** A CRA may provide information about you only to people with a need recognized by the FCRA, usually related to an application with a creditor, insurer, employer, landlord, or other business.
9. **Your consent is required for reports to employers.** A CRA cannot give out your information to an employer or prospective employer without your written consent. They also may not report medical information about you to anyone without your permission.
10. **You can exclude your name from CRA lists for unsolicited credit and insurance offers.** If you call the CRA and orally request to be removed from the list, you must be kept off the list for 2 years. If you complete and return the CRA form provided for that purpose, you must be taken off the lists permanently. You may also call 1-888-5-OPTOUT to stop receiving pre-approved credit offers.

WHAT IF MY FCRA RIGHTS ARE VIOLATED?

If a CRA, a user or in some cases, a provider (source) of CRA information violates the provisions of the FCRA, you may sue them in state or federal court. Your lawsuit will cite the violations of the relevant FCRA provisions, which can be found at 15 U.S.C. §§ 1681 et seq. You may have additional rights under your state's laws. Contact an attorney, a state consumer protection agency, or the state attorney general's office to learn what your rights are.

RESOURCES:

Federal Credit Reporting Act, 15 U.S.C. §§ 1681 et seq, (2012).

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Federal Trade Commission:

(877) FTC-HELP; www.consumer.ftc.gov/features/feature-0009-military-families

- Consumer Information: www.consumer.ftc.gov; (877) FTC-HELP
- File a Consumer Complaint: www.ftccomplaintassistant.gov

Credit Reporting Agencies:

- **Equifax:** P.O. Box 740250, Atlanta, GA 30374-0250; www.equifax.com. Phone numbers: (800) 525-6285 for fraud report, and (800) 685-1111 for credit order report. Order a copy of your report (\$8 in most states): P.O. Box 740241, Atlanta, GA 30374-0241, or (800)997-2493.
- **Experian:** P.O. Box 949, Allen, TX 75013; www.experian.com. Phone numbers: (888) EXPERIAN (397-3742) for fraud report and for credit order report. Order a copy of your report (\$8 in most states): P.O. Box 2104, Allen TX 75013.
- **Trans Union:** P.O. Box 6790, Fullerton, CA 92634; www.transunion.com. Phone numbers: (800) 888-4213 for credit order report. Order a copy of your report (\$8 in most states): P.O. Box 390, Springfield, PA 19064. To dispute an item on your report, call (800) 916-8800.
- **Obtain a FREE copy of your credit report at www.annualcreditreport.com.**

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