

Date: November 16, 2006
Subject: New York State Credit Freeze
To: All ACRE Members

On November 1, 2006 a major improvement was enacted to protect consumers against identity theft. For the first time any consumer can protect against unwanted access to their personal credit files. Once an individual decides to place a security freeze on their personal credit files, he/she is the only one who can authorize the freeze to be released. While there is some small cost associated with placing a credit freeze (people already violated incur no cost) the security of finally be able to protect yourself from identity theft is there for everyone to take advantage of.

We are very thankful to the NY State Legislature for addressing this problem. We also want to thank all ACRE Officials, especially General Chairman Anthony Bottalico and NY State Legislative Rep Ken Curry for their testimony before the NYS Legislative Committee handling this issue. Connecticut Legislative Rep Denis Pope and General Chairman Michael Doyle are now in the process of having the same legislation introduced in Connecticut and look forward to a heated debate once the bill reaches Hartford. Listed below is the protocol for freezing ones identity. Should you have any questions please don't hesitate to call our union office.

SECURITY FREEZE INFORMATION

Any consumer in New York may place a security freeze on his or her credit report by requesting one in writing by certified mail to the credit reporting agency. The credit reporting agency is not allowed to charge a fee to victims for placing, temporarily removing for a period of time or a specific party, or permanently removing a security freeze on a credit report. To prove you are a victim, you must send a valid copy of a police report or a signed federal trade commission Id Theft Victim Affidavit. For all others, the first placement of a security freeze on your credit report is free the first time. After the first time, however, a \$10 fee will be applied for each placing, removing or temporary lifting of a security freeze for a specific party or period of time. A security freeze shall prohibit, with certain specific exceptions, the credit reporting agency from releasing the consumer's credit report or any information from it without the express authorization of the consumer. To obtain more detailed information on how to place a security freeze on your credit reports, see below.

HOW TO "FREEZE" YOUR CREDIT FILES

A security freeze means that your file cannot be shared with potential creditors. A security freeze can help prevent identity theft. Most businesses will not open credit accounts without first checking a consumer's credit history. If your credit files are frozen, even someone who has your name and Social Security number probably would not be able to obtain credit in your name.

How do I place a security freeze?

To place a freeze, you must write to each of the three credit bureaus. The first placing of a security freeze is free. Any subsequent placing will cost \$10, unless you provide proof that you are a victim of identity theft, in which case there is no fee. A copy of your police report or a signed federal trade commission Id Theft Victim Affidavit must be provided to show that you are a victim of identity theft.

Write to *all* three addresses below and include the information that follows:

Equifax Security Freeze
P.O. Box 105788
Atlanta, GA 30348

Experian Security Freeze
P.O. Box 9554
Allen, TX 75013

Trans Union Security Freeze
P.O. Box 6790
Fullerton, CA 92834-6790

For each, you must:

1. • Send a letter by certified or overnight mail;
2. • If you are a victim of identity theft, you must include a copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft;
3. • Provide your full name (including middle initial as well as Jr., Sr., II, III, etc.) address, Social Security number, and date of birth;
4. • If you have moved in the past 5 years, supply the addresses where you have lived over the prior 5 years.
5. • Provide proof of current address such as a current utility bill or phone bill
6. • Send a photocopy of a government issued identification card (state driver's license or ID card, military identification, etc.)
7. • If applicable, include payment by check, money order or credit card (Visa, Master Card, American Express or Discover cards only.)

How long does it take for a security freeze to be in effect?

After five (5) business days from receiving your letter, the credit reporting agencies listed above will place a freeze providing credit reports to potential creditors. (After Jan. 1, 2008, the credit reporting agency will need to place a security freeze on a credit file four (4) business days from receiving your letter, and after Jan. 1, 2009, the credit reporting agency will have three (3) business days to place a freeze on a credit file.)

Ten business days from receiving your letter to place a freeze on your account, the credit reporting agencies will send you a confirmation letter containing a unique PIN (personal identification number) or password. Keep this PIN or password in a safe place.

Can I open new credit accounts if my files are frozen?

Yes. You can have a security freeze lifted, either for a temporary period of time, or for a specific creditor. This is done at no charge for victims. For non-victims, however, there is a \$10 charge for either temporarily lifting the security freeze or allowing a specific creditor to access your credit report. The steps to do so are as follows:

1. • Contact the credit reporting agencies above.
2. • The manner by which you contact them is determined by them, but it may be by way of telephone, fax or over the Internet.
3. • You must provide proper identification;
4. • You must provide your unique PIN or password;
5. • And, if you are requesting to open your credit to a third party or for a specific period of time, you must provide to whom or during what time period your credit report will be accessible.

How long does it take for a security freeze to be lifted?

Credit bureaus must lift a freeze no later than three (3) business days from receiving your request.

What will a creditor who requests my file see if it is frozen?

A creditor will see a message or a code indicating the file is frozen.

Can a creditor get my credit score if my file is frozen?

No. A creditor who requests your file from one of the three credit bureaus will only get a message or a code indicating that the file is frozen.

Can I order my own credit report if my file is frozen?

Yes.

Can anyone see my credit file if it is frozen?

When you have a security freeze on your credit file, certain entities still have access to it. Your report can still be released to your existing creditors or to collection agencies acting on their own behalf. They can use it to review or collect on your account. Other creditors may also use your information to make offers of credit. Government agencies may also have access in response to a court or administrative order, a subpoena, or a search warrant.

Do I have to freeze my file with all three credit bureaus?

Yes. Different credit issuers may use different credit bureaus. If you want to stop your credit file from being viewed, you must freeze it with Equifax, Experian, and Trans Union.

Will a freeze lower my credit score?

No.

Can an employer do a background check on my credit file?

No. You would have to lift the freeze to allow a background check or to apply for insurance, just as you would to apply for credit. The process for lifting the freeze is described above.

To protect my credit, does my spouse's credit file have to be frozen too?

Yes.

Does freezing my file mean that I won't receive pre-approved credit offers?

No. You can stop the pre-approved credit offers by calling 888-5OPTOUT (888-567-8688). Or you can do this online at www.optoutprescreen.com. This will stop most of the offers, the ones that go through the credit bureaus. It's good for five years or you can make it permanent.

What law requires security freezes?

The New York security freeze bill passed and will go into effect on November 1, 2006. It is Assembly Bill 7349.

THIS FACT SHEET IS FOR INFORMATIONAL PURPOSES AND SHOULD NOT BE CONSTRUED AS LEGAL ADVICE OR AS THE POLICY OF THE STATE OF NEW YORK. IF YOU WANT ADVICE ON A PARTICULAR CASE, YOU SHOULD CONSULT AN ATTORNEY OR OTHER EXPERT. THE FACT SHEET MAY BE COPIED, IF (1) THE MEANING OF THE COPIED TEXT IS NOT CHANGED OR MISREPRESENTED, (2) CREDIT IS GIVEN TO THE

OFFICE OF THE NEW YORK ATTORNEY GENERAL, AND (3) ALL COPIES ARE
DISTRIBUTED FREE OF CHARGE.

SAMPLE FREEZE LETTER TO EQUIFAX

Date
Equifax
Security Freeze
P.O. Box 105788
Atlanta, GA 30348
Dear Equifax:
I would like to place a security freeze on my credit file. My name is:
My former name was (if applies):
My current address is:
My address has changed in the past 5 years. My former address was:
My social security number is:
My date of birth is:
(If Applicable) I am an identity theft victim and a copy of my police report (or other
investigative report or complaint to a law enforcement agency concerning identity theft) of
identity theft is enclosed.
I have also enclosed photocopies of a government issued identity card AND proof of
residence such as a utility bill or phone bill.
Yours Truly,
Your Name.

SAMPLE FREEZE LETTER TO TRANS UNION

Date
Trans Union Security Freeze
P.O. Box 6790
Fullerton, CA 92834-6790
Dear Trans Union:
I would like to place a security freeze on my credit file. My name is:
My former name was (if applies):
My current address is:
My address has changed in the past 5 years. My former address was:
My social security number is:
My date of birth is:
(If Applicable) I am an identity theft victim and a copy of my police report (or other
investigative report or complaint to a law enforcement agency concerning identity theft) of
identity theft is enclosed.
I have also enclosed photocopies of a government issued identity card AND proof of
residence such as a utility bill or phone bill.
Yours Truly,
Your name

SAMPLE FREEZE LETTER TO EXPERIAN

Date
Experian Security Freeze
P.O. Box 9554
Allen, TX 75013
Dear Experian:
I would like to place a security freeze on my credit file. My name is:
My former name was (if applies):
My current address is:
My address has changed in the past 5 years. My former address was:
My social security number is:
My date of birth is:
(If applicable) I am an identity theft victim and a copy of my police report (or other investigative report or complaint to a law enforcement agency concerning identity theft) of identity theft is enclosed.
I have also enclosed photocopies of a government issued identity card AND proof of residence such as a utility bill or phone bill.
Yours Truly,
Your name

IDENTITY THEFT

In order to better protect yourself, it is helpful to know some of the ways identity thefts can occur. Thieves:

1. • Steal wallets and purses containing personal identification and credit/bank cards.
2. • Steal mail, including bank and credit card statements, pre-approved credit offers, new checks and tax information
3. • Complete a change of address form to divert mail to another location.
4. • Rummage through trash, or the trash of businesses, for personal data in a practice known as "dumpster diving"
5. • Find personal information in homes
6. • Use personal information individuals share on the Internet
7. • Send e-mail posing as legitimate companies or government agencies with which individuals do business.
8. • Get information from the workplace in a practice known as "business record theft" by stealing files out of offices where a person is a customer, employee, patient or student, bribing an employee who has access to personal files, or "hacking" into electronic files.

HOW TO AVOID IDENTITY THEFT

All consumers should take the following steps to prevent identity theft from occurring:

1. • Review Credit Reports from each of the three major credit bureaus once a year.
2. • Place passwords on your credit card, bank and phone accounts.
3. • Secure personal information in your home.
4. • Ask about information security procedures in your workplace.
5. • Don't carry your social security card with you; leave it in a secure place.
6. • Don't give out your social security number unless it is absolutely necessary; ask to use other types of identifiers when possible.

7. • Don't give out personal information over the phone, through the mail or over the internet unless you have initiated the contact or are sure you know with whom you are dealing.
8. • Guard your mail and trash from theft.
9. • Destroy offers of credit received in the mail that you do not respond to; you may choose to opt-out of receiving free offers of credit.
10. • Carry only the identification information and the number of credit/debit cards that you actually need.
11. • Pay attention to your billing cycles—follow up with creditors if bills do not arrive on time.
12. • Be wary of promotional scams.
13. • Keep your purse or wallet in a safe place at work.
14. • Notify your credit card company if you are planning to travel out of state.

WHAT TO DO IF YOU ARE A VICTIM OF IDENTITY THEFT

If you are a victim of identity theft, or believe you may be a victim, it is important that you take the following steps:

1. • Place a fraud alert on your credit reports and review your credit reports
2. • Place a security freeze on your credit reports.
3. • Close any accounts that have been tampered with or opened fraudulently.
4. • File a police report and ask for a copy for your records
5. • File a complaint with the Federal Trade Commission and the Attorney General's Office.
6. • Write down the name of anyone you talk to, what s/he told you, and the date of the conversation.
7. • Follow-up in writing with all contacts you have made about the identity theft on the phone or in person. Use certified mail, return receipt requested, for all correspondence regarding identity theft.
8. • Keep all copies of all correspondence or forms relating to identity theft.
9. • Keep the originals of supporting documentation, like police reports and letters to and from creditors; send copies only.
10. • Keep old files, even if you believe the problem is resolved. If it happens again, you will be glad you did.