

Notification of Rights for New Mexico Consumers

You may obtain a security freeze on your credit report to protect your privacy and ensure that credit is not granted in your name without your knowledge. You have a right to place a security freeze on your credit report pursuant to the Credit Report Security Act. The security freeze will prohibit a consumer reporting agency from releasing any information in your credit report without your express authorization or approval.

The security freeze is designed to prevent credit, loans and services from being approved in your name without your consent. When you place a security freeze on your credit report, you will be provided with a personal identification number, password or similar device to use if you choose to remove the freeze on your credit report or to temporarily authorize the release of your credit report to a specific party or parties or for a specific period of time after the freeze is in place. To remove the freeze or to provide authorization for the temporary release of your credit report, you must contact the consumer reporting agency and provide all of the following:

- (1) the unique personal identification number, password or similar device provided by the consumer reporting agency;
- (2) proper identification to verify your identity;
- (3) information regarding the third party or parties who are to receive the credit report or the period of time for which the credit report may be released to users of the credit report; and
- (4) payment of a fee, if applicable.

A consumer reporting agency that receives a request from a consumer to lift temporarily a freeze on a credit report shall comply with the request no later than three business days after receiving the request. As of September 1, 2008, a consumer reporting agency shall comply with the request within fifteen minutes of receiving the request by a secure electronic method or by telephone.

A security freeze does not apply in all circumstances, such as where you have an existing account relationship and a copy of your credit report is requested by your existing creditor or its agents for certain types of account review, collection, fraud control or similar activities; for use in setting or adjusting an insurance rate or claim or insurance underwriting; for certain governmental purposes; and for purposes of prescreening as defined in the federal Fair Credit Reporting Act.

If you are actively seeking a new credit, loan, utility, telephone or insurance account, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit.

You should plan ahead and lift a freeze, either completely if you are shopping around or specifically for a certain creditor, with enough advance notice before you apply for new credit for the lifting to take effect. You should contact a consumer reporting agency and request it to lift the freeze at least three business days before applying.

As of September 1, 2008, if you contact a consumer reporting agency by a secure electronic method or by telephone, the consumer reporting agency should lift the freeze within fifteen minutes. You have a right to bring a civil action against a consumer reporting agency that violates your rights under the Credit Report Security Act.

NEW MEXICO SECURITY FREEZE INFORMATION

Any consumer in New Mexico may place a security freeze on his or her credit report by requesting it in writing by certified mail to the consumer reporting agency or by telephone or a secure electronic method if such means are provided by the agency. The consumer reporting agency may not charge a fee to residents age 65 or older, or to identity theft victims for placing, temporarily removing, or removing a security freeze on a credit report. To avoid paying a fee, victims must send a valid copy of a police or investigative report filed with a law enforcement agency alleging the crime of identity theft. For all others, a \$10 fee will be applied for placement of a security freeze. A \$5 fee may be charged for the release of a credit report to a specific person or for a specific period of time, or for removal of the security freeze. A security freeze prohibits, with certain specific exceptions, the consumer reporting agency from releasing the consumer's credit report or score relating to the extension of credit or the opening of new accounts without the express authorization of the consumer. The freeze goes into effect three (3) business days from receipt of the consumer's request by the consumer reporting agency.

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 new account 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 consumer reporting agencies. You may also make your requests by phone or by a secure electronic method if these means are offered by the consumer reporting agency. Each consumer reporting agency charges a \$10 fee, unless the fee is waived because you are age 65 or over, or an identity theft victim. To prove you are a victim (and to avoid the fees), you must send a copy of a police or investigative report filed with a law enforcement agency to each of the consumer reporting agencies. 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

TransUnion Security Freeze
P O Box 2000
Chester, PA 19016

For each, you must:

- Send a letter by regular mail, or use the telephone or a secure electronic method if these means are provided by the consumer reporting agency;
- If you are a victim of identity theft, you must include a copy of the police report or investigative report filed with a law enforcement agency;
- Provide your full name (including middle initial as well as Jr., Sr., II, III, etc.,) address, Social Security number, and date of birth;
- If you have moved in the past 5 years, supply all the addresses where you have lived over the prior 5 years.
- Provide proof of current address such as a current utility bill or phone bill
- Send a photocopy of a government issued identification card (state driver's license or ID card, military identification, etc.)
- If you are not a victim, provide 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 go into effect? After three (3) business days from receiving your letter, the consumer reporting agencies listed above will place a freeze providing credit reports to potential creditors. After five (5) business days from placing a freeze on your account, the consumer 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 for a temporary period of time. There is a \$5 fee charged for temporarily lifting a security freeze unless you are an identity theft victim or resident over 65 years of age. The steps to do so are as follows:

- Contact the consumer reporting agencies above.
- The manner by which you contact them is determined by them, but it may be by way of telephone, fax or over the Internet.
- You must provide proper identification;
- You must provide your unique PIN or password;

- You must provide during what time period your credit report will be accessible.

How long does it take for a security freeze to be lifted? Consumer reporting agencies must lift a freeze no later than three (3) business days from receiving your request by mail, or no more than 15 minutes after receiving your request by secure electronic method or by telephone beginning on September 1, 2008.

What will a new 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 new creditor get my credit score if my file is frozen? No. A creditor who requests your file from one of the three consumer reporting agencies 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 have access for collecting child support payments or taxes or for investigating Medicaid fraud. 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 consumer reporting agencies? Yes. Different credit issuers may use different consumer reporting agencies.

If more than one person in my household wants to request a security freeze, do we each have to request a separate security freeze? Yes. Because each person has an individual credit history and credit reporting file, each person must make a separate request to place, lift or remove a security freeze. Each person also must pay any applicable fees.

Will a freeze lower my credit score? No.

Can an employer do a background check on my credit file? Yes. The New Mexico security freeze law applies only to use of your credit report or credit score relating to the extension of credit or the opening of a new account.

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 consumer reporting agencies. It's good for five years or you can make it permanent.

What law requires security freezes? The law on security freezes in **New Mexico** is 2007-106, passed in 2007. **THIS FACT SHEET IS FOR INFORMATIONAL PURPOSES. IT IS NOT LEGAL ADVICE. FOR LEGAL ADVICE, YOU MUST CONSULT YOUR OWN ATTORNEY.**