

## Notification of Rights for New York Consumers

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You have a right to place a "security freeze" on your credit report, which will prohibit a consumer credit reporting agency from releasing information in your credit report without your express authorization. A security freeze must be requested in writing by certified or overnight mail. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit mortgage, government services or payments, insurance, rental housing, employment, investment, license, cellular phone, utilities, digital signature, Internet credit card transaction, or other services, including an extension of credit at point of sale. When you place a security freeze on your credit report, you will be provided a personal identification number or password to use if you choose to remove the freeze on your credit report or authorize the release of your credit report to a specific party or for a period of time after the freeze is in place. To provide that authorization you must contact the consumer credit reporting agency and provide all of the following:

1. The personal identification number or password;
2. Proper identification to verify your identity;
3. The proper information regarding the party or parties who are to receive the credit report or the period of time for which the report shall be available to users of the credit report; and
4. Payment of any applicable fee.

A consumer reporting agency must authorize the release of your credit report no later than three business days after receiving the above information.

A security freeze does not apply to circumstances in which you have an existing account relationship and a copy of your report is requested by your existing creditor or its agents or affiliates for certain types of account review, collection, fraud control or similar activities.

If you are actively seeking credit, you should understand that the procedures involved in lifting a security freeze may slow your application for credit. You should plan ahead and lift a freeze, either completely if you are shopping around, or specifically for a certain creditor, before applying for new credit.

***Additional rights under your state's law, which are also in the federal Fair Credit Reporting Act, are explained in the enclosed Summary of Your Rights under the Fair Credit Reporting Act.***

## NEW YORK 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 or overnight mail to the consumer reporting agencies. Effective 2010, a consumer may place or lift a freeze via telephone or secure electronic means. The consumer reporting agencies 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 Identity Theft Victim Affidavit. Victims of domestic violence may also place or lift a freeze free of charge. 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 \$5 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 prohibits, with certain specific exceptions, the consumer reporting agencies 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 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. Effective 2010, a consumer may also place a freeze via telephone or secure electronic means. The first placing of a security freeze is free. Any subsequent placing will cost \$5, unless you provide proof that you are a victim of identity theft or a victim of domestic violence, in which case there is no fee. A copy of your police report or a signed Federal Trade Commission Identity 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

TransUnion Security Freeze  
P O Box 2000  
Chester, PA 19016

For each, you must:

- Send a letter by certified or overnight mail;

- If you are a victim of identity theft or domestic violence, you must include a copy of either the police report, investigative report, or complaint to a law enforcement agency concerning identity theft;
- 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 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 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 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. Effective in 2010, the consumer reporting agencies must place a freeze within one (1) day.

After ten (10) business days from receiving your letter to place 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, 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:

- 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;

- 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?** Consumer reporting agencies must lift a freeze no later than three (3) business days from receiving your request. Your Social Security numbers or any portion thereof for creation of the password will not be used to temporarily lift or permanently remove a freeze. Effective September 1, 2009, consumer reporting agencies must lift a freeze within 15 minutes.

**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 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 you want to stop your credit file from being viewed, you must freeze it with Equifax, Experian, and Trans Union.

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

**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](http://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 **New York** security freeze bill is Assembly Bill 7349, passed in 2006.

**THIS FACT SHEET IS FOR INFORMATIONAL PURPOSES. IT IS NOT LEGAL ADVICE. FOR LEGAL ADVICE, YOU MUST CONSULT YOUR OWN ATTORNEY.**