

## Notification of Rights for West Virginia Consumers

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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 West Virginia law.

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, within five business days you will be provided a unique personal identification number or password to use if you choose to remove the freeze on your credit report or to temporarily authorize the distribution of your credit report for a period of time after the freeze is in place. To provide that authorization, you must contact the consumer-reporting agency and provide all of the following:

- (1) The unique personal identification number or password provided by the consumer-reporting agency;
- (2) Proper identification to verify your identity; and
- (3) The period of time for which the report shall be available to users of the credit report.

A consumer-reporting agency that receives a request from a consumer to temporarily lift a freeze on a credit report shall comply with the request no later than three business days after receiving the request.

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 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, a few days before actually applying for new credit.

You have the right to bring a civil action against someone who violates your rights under the credit reporting laws. The action can be brought against a consumer-reporting agency.

## WEST VIRGINIA SECURITY FREEZE INFORMATION

Any consumer in West Virginia may place a security freeze on his or her credit report by requesting one in writing by an electronic method, certified or overnight mail to the consumer reporting agency.

The consumer reporting agency is not allowed to charge a fee to victims for placing, temporarily lifting for a specific time period, or permanently removing a security freeze on a credit report. To prove you are a victim, you must also send a valid copy of a police report or an investigative report or written FTC complaint.

For all others, a charge of \$5 will be applied for each placing, removing or temporary lifting of a security freeze. A security freeze prohibits, with certain specific exceptions, the consumer 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 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 by an electronic method, certified or overnight mail to each of the three credit bureaus. Consumer reporting agencies charge a \$5 fee to place or remove a security freeze, 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 an investigative report or written FTC complaint documenting identity theft must be included to avoid a fee.

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 electronically, online, by certified or overnight mail
- If you are a victim of identity theft, you must include a copy of either the police report or case number documenting the 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 five (5) business days from receiving your letter, the consumer reporting agencies listed above will place a freeze providing credit reports to potential creditors. Five (5) more 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. This is done at no charge for victims. For non-victims, however, there is a \$5 charge. The steps to do so are as follows:

- Contact the consumer reporting agencies above.
- You may contact the consumer reporting agencies by telephone, fax or over the Internet;
- You must provide proper identification;
- You must provide your unique PIN or password;
- And, you must include during what time period your credit report will be accessible (for example: from August 1 to August 5.)

**How long does it take for a security freeze to be lifted?** The consumer reporting agencies must lift the freeze within three (3) business days.

**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?** It depends. The freeze does not cover a consumer reporting agency database or file used consisting entirely of information about, and used solely for, employment screening.

**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 **West Virginia** security freeze bill passed as Senate Bill 428, passed in 2007.

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