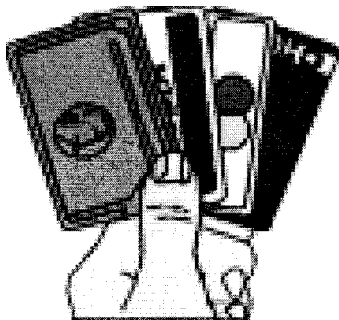


STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

Identity Theft Kit: What to Do If You Have Been Victimized



Eric T. Schneiderman
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Dear New Yorker:

Besides a general desire for personal privacy and to be "left alone," there are very legitimate reasons why people act to decrease the personal information easily accessible about themselves.

The fastest growing financial crime in the nation - "identity theft" - is one important reason. Of the 813,899 total complaints logged by the Federal Trade Commission (FTC) in 2007, 258,427 (or 32%) were related to identity theft.

Identity theft is when someone uses your personal identification information, such as your credit card number or Social Security number, to obtain something of value. It takes very little to have your identity stolen. Only a few pieces of information can give a thief the ability to, for example, get a credit card in your name and leave you to deal with the bills and debts. The results of identity theft can be devastating and can cause emotional distress.

If you suspect that someone has been using your name or personally identifiable information to make purchases, to obtain credit, or to secure employment you need to take action immediately to minimize the damage and restore your good name and financial health. Because each case is different, you may only have to follow the steps that are appropriate to your situation.

Depending on your specific situation, my office has developed the following recommendations for your immediate action. Please review the tips carefully. If you have any further concerns, please contact my consumer help line at (800) 771-7755.

A handwritten signature in black ink that reads "Eric T. Schneiderman". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

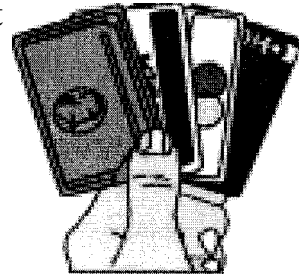
Eric T. Schneiderman
Attorney General

Introduction

In dealing with the authorities and financial institutions, keep a record of all conversations, including dates, names, and phone numbers. Indicate time spent and any expenses incurred, in case you are able to request restitution in a later judgment or conviction against the thief. Confirm conversations in writing. It is advisable to send correspondence by certified mail, return receipt requested. Maintain copies of all letters and documents.

Creditors

- ▶ Immediately contact the creditor associated with the fraudulent activity both by telephone and then with a follow-up letter expressly stating the problem. Most creditors will ask you to submit a written report of the fraud, along with a police report or complaint number from law enforcement. You may use the enclosed *Identity Theft Affidavit* as part of your report.



- ▶ Close the accounts that have been compromised. If you close a credit card account due to fraud and open a new account - insist on password-only accounts.

- **Lost or Stolen Credit Cards:** Federal law limits your liability to \$50 for unauthorized charges to your account.
- **Fraudulent Charges on your Monthly Statements:** If you believe there are fraudulent or erroneous charges on your existing credit account, contact your creditor immediately. Federal regulations require credit card companies to remove disputed items from your bill while investigating. It is important to note, however, that all disputes must be in writing.

- ▶ You may want to report the fraud to each creditor, even if that particular creditor has not been the subject of fraud, to ensure that all creditors are aware that an identity thief may have your account information.

▶

Credit Bureaus:

- ▶ Immediately call the fraud help lines of each of the three major credit bureaus to inform them of the situation. Be sure to tell the credit bureaus to flag your file with a "**fraud alert**" including a statement that creditors should call you for permission before opening any new accounts in your name. Fraud alerts are advisory in nature and are usually in place for **60 or 90 days**. You may want to extend that time period. The three major credit bureaus may be contacted as follows:

- **TransUnion Fraud Victim Assistance Department**, P.O. Box 6790, Fullerton, CA 92834
(800) 680-7289 www.transunion.com

- **Experian Consumer Fraud Assistance**, P.O. Box 9532, Allen, TX 75013 (888) 397-3742 www.experian.com
- **Equifax Consumer Fraud Division** P.O. Box 740241, Atlanta, GA 30374-0241 (800) 525-6285 www.equifax.com

- ▶ Inquire into the credit bureau's procedures for investigating any disputed accounts and for having a statement attached to fraudulent information in your file so that future potential creditors are aware of this problem.
- ▶ Request a free copy of your credit report from the three credit reporting agencies. Under federal law, victims of fraud are entitled to receive a free copy of their credit reports.

New York State Security Freeze Law

- New Yorkers have a new weapon to use against Identity Theft. Consumers may now place a Security Freeze on their credit report by requesting one in writing by certified mail or overnight mail to the credit reporting agency.
- A Security Freeze means that your file cannot be shared with potential creditors. Once you request a Security Freeze, the credit reporting agency may not release your credit report or any information from it without your express authorization.
- To place a Security Freeze, you must write to each of the three credit bureaus. The first request to place a Security Freeze is free. Any subsequent Security Freeze will cost \$5, 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 by **certified mail** to all three addresses below and include the information that follows:

Equifax Security Freeze
P.O. Box 105788
Atlanta, GA 30348
(800) 525-6285
www.equifax.com

Experian Security Freeze
P.O. Box 9554
Allen, TX 75013
(888) 397-3742
www.experian.com

TransUnion Security Freeze
P.O. Box 6790
Fullerton, CA 92834
(800) 680-7289
www.transunion.com

- Remember, you must send your request by **certified mail** and your letters must contain the personal information specified by each credit reporting agency, for example:
 - Your full name, address, Social Security number, and date of birth;
 - Proof of current address such as a current utility bill or phone bill;

- A photocopy of a government issued identification card (such as your driver's license or ID card, military identification, etc.)
- After a Security Freeze is activated, you may request that the Freeze be lifted temporarily, or permanently removed, by following the instructions provided by each consumer credit reporting agency. To obtain a temporary lift of the Security Freeze, consumers must inform the consumer credit reporting agency of the name of the party to whom the report should be made available or the period of time when the report should be available to all requestors.
- You can still obtain a copy of your credit report after your report is frozen. To obtain a free copy of your credit report (a copy is available from each of the three consumer credit reporting agencies every 12 months), you can request copies at <https://www.annualcreditreport.com/> or by calling toll free at 1-877-322-8228. Hearing-impaired consumers can access via TDD service at 1-877-730-4104.
- Remember, if you are a victim of Identity Theft and provide a valid copy of a police report or a Federal Trade Commission ID Theft affidavit, alleging the crime of identity theft, there are no fees for freezing your credit report.



Law Enforcement:

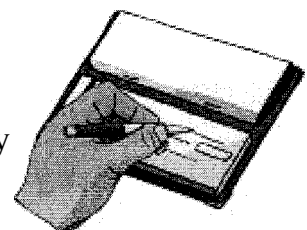
- ▶ Promptly report any fraudulent activity to the appropriate police and sheriff departments with jurisdiction in your area. Be sure to keep a copy of the police report because financial institutions often require verification that there was a purported crime before they will conduct an investigation.
- ▶ File a complaint with the Federal Trade Commission (FTC) at (1-877) IDTHEFT (438-4338) or online at www.consumer.gov/idtheft. The FTC offers assistance to identity theft victims and maintains a confidential identity theft database for investigative and enforcement purposes.

Additional Authorities:

Depending upon the type of identity theft perpetrated against you, there are additional authorities to contact:

Stolen Checks

- ▶ If you believe any of your checks have been stolen or fraudulently used, immediately notify your bank. Have the bank place "stop-payment-orders" on your checks and consider closing all existing bank accounts. Then open new accounts with different account



numbers and passwords.

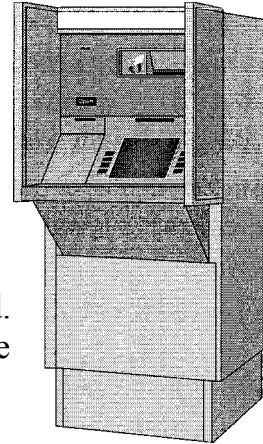
▶ Report stolen or fraudulent use of checks to:

- Telecheck: (800) 710-9898
- E-Funds/ChexSys
- International Check Services: (800) 526-5380
- SCAN: (800
- NPC: (800) 526-5380

ATM/Debit Cards

- ▶ If your ATM or debit card was stolen or compromised, report it to your bank promptly. Get a new card, account number and password. When deciding on a password, do not use common numbers like the last four digits of your Social Security number or your birth date. Select passwords that will not likely be guessed.

- Federal law provides that your liability for unauthorized debits is limited to \$50 so long as you report the loss of the card within two business days of discovering that it's missing. Otherwise, your liability increases to \$500 for reporting it within 60 days. If you fail to report it within that period, however, your liability could be unlimited. Once you've reported the missing/stolen ATM/debit card, you cannot be held liable for any additional charges on your account.

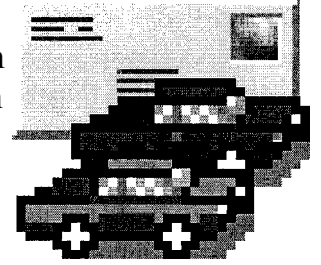


Social Security Number

- ▶ If you believe someone has used your Social Security number fraudulently, call (800) 269-0271. Where you suspect that the thief might be using your Social Security number for employment purposes, notify the Social Security Administration (SSA) at (800) 772-1213 to confirm all reported earnings information. Order a copy of your Personal Earnings and Benefit Estimate Statement (PEBES) and review it for accuracy. You may request a PEBES application at your local Social Security office or download one from the Administration's website: <http://www.ssa.gov>. The SSA will assign a new number only if you meet its fraud criteria.

Fraudulent Change of Address

- ▶ Contact the U.S. Postal Service if you suspect that your mail has been stolen or someone has submitted a fraudulent change-of-address form with the post office. You should contact the Postal Service if you believe an identity thief has used the mail to commit credit or bank fraud. Go to www.usps.gov/websites/depart/inspect or write to:
 - Mail Fraud
Chief of Postal Inspector Service
475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-2181



Phone Service

- ▶ Contact your long distance carrier when your renewable calling card has been stolen or your local service provider when there are fraudulent charges on the bill. Cancel the calling card or telephone account and open a new one. Request that any remaining minutes are transferred to another card with a new account number.

Health Insurance

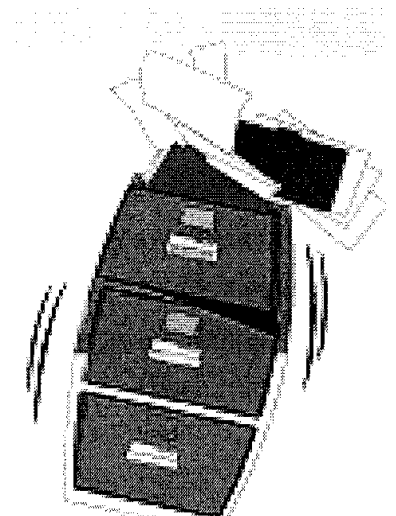
Alert your health insurance carrier if your insurance card was stolen. Ask for a new card and account number. Request that your Social Security number not appear on the card.

Passport

- ▶ Contact the U.S. State Department if your passport was taken. Alert the passport office in writing that someone may order a new passport in your name:
 - Washington Passport Agency
111 19th Street, N.W.
Washington, D.C. 20524
(202) 647-0518
- ▶ In the event the passport was issued by another country, notify the issuing country's embassy or consulate.

Driver's License

- ▶ Contact the Department of Motor Vehicles for driver license misuse. Request form FI-17, Report of Unauthorized Use/Duplication of License or Registration by contacting:
 - License and Registration Crimes Unit
Division of Field Investigations,



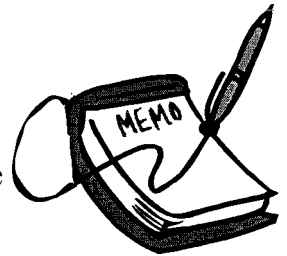
ORGANIZING YOUR **IDENTITY** THEFT CASE

If you become a victim of identity theft, you need to be an effective advocate to reclaim your good name. Because identity theft cases tend to be complicated, involving multiple jurisdictions and several instances of unauthorized and fraudulent use of a person's identity, it is important to organize all paperwork and evidence and keep track of all telephone conversations.

N' Track Activity

It is recommended that you keep a journal to help remember what occurred, when you received documents, what documents are still required as well as your costs and time lost to restore your good name. This documentation will help clear your good name and prove financial if you request restitution from the courts.

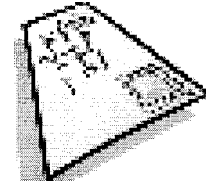
Your papers may be evidence in a court case and should be treated as such. Keeping your records current, organized and secure may make a key difference in a conviction or winning a lawsuit!



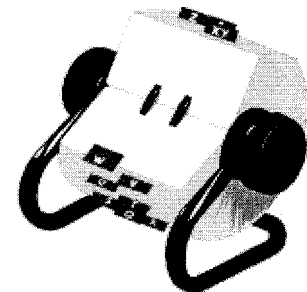
List of documents:

- Police report: This item is very important. Request a copy of the report or at least a summary of it. Your case number may change as it moves through the judicial system. Keep track of them all, noting the jurisdiction associated with each number.
- Chronological and detailed record of events: Keep a dated journal on the computer or on paper. Start with the first time you found out you were a victim of identity theft and continue from that time period. Make sure your data is secure if you use a computer. Avoid writing notes on scrap paper.

- Record by date: Note with whom you spoke, their title, and phone number. Indicate what follow-up is required and the date that it should occur. Obtain a mailing address as well as any fax numbers or email addresses for your contacts. When possible suggest written confirmation of the discussion. If refused, you should consider mailing a *confirmation* to that person stating that if the information as you described is incorrect, he/she should contact you in writing. When the persons fails to do so - you have confirmation. Send important letters by certified, return receipt requested mail so you have a paper trail and proof that the person received the documentation.



- Record what you receive by mail or the phone conversation, who it was from, and what steps you took in response to that correspondence or the phone call. The copies of all letters your receive or send should be easily retrievable.
- ❑ Any applications, credit slips, credit cards, physical proof of the fraud: Retain everything you receive that relates to your case or may relate to your case.
- ❑ As soon as you find out about a new credit card, purchase or crime, request all documentation regarding that action. Speak with a supervisor if necessary.
- ❑ Credit reports: When your case is active, it is recommended that you request credit reports frequently, about every three months. Keep these reports together to track changes as they occur. As activity lessens, you may think about requesting reports every six months and then every year.
- ❑ Telephone records: Maintain a handy telephone and address book or record to find contact names easily and quickly.
- ❑ All court and law enforcement documents: File subpoenas, transcripts of testimony and other documents where appropriate.
- ❑ Victim statements submitted to law enforcement
- ❑ Expenses: Calculate your costs in addressing the fraud and maintain a record of the money you spend, date and purpose. Retain any bills and receipts. Keep track of phone calls, postage, mileage, time lost from work or school including vacation time you used because you needed to focus on your case, legal or financial assistance, notarizing, and court costs. These costs may be considered reimbursable and be the basis for your request of restitution to the court.



TOOL BOX : INVENTORY CHECK LIST

Identity theft may start with the loss or the theft of a wallet or bag filled with various forms of identification. This inventory check list may serve as a tool to assess what forms of identification are missing. By determining what is missing, you will know who to contact and what steps to take.

What Was In Your Wallet or Purse? Check off the missing items.

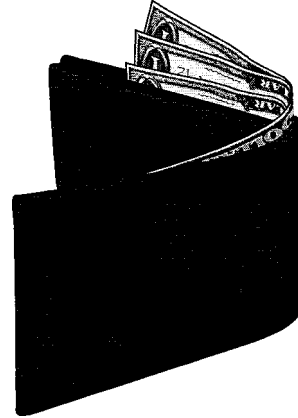
- Social Security card
- Driver's license
- Credit cards (List):

-
-
- Vehicle registration
 - ATM/ Debit cards/ Bank cards (List):

-
-
- Bank Book/personalized deposit or withdrawal forms
 - Check cashing card/ bank checks (your own account)
 - AAA or auto club and/or auto insurance card
 - Library card
 - Health insurance/prescription/dental card
 - Employee/ student/ Military ID card
 - Green card or immigration papers
 - Passport
 - Health club card
 - Long distance calling card
 - Prepaid phone cards - Nonrenewable/ Renewable
 - Any bills/statements you may have been carrying (i.e., telephone, electricity, credit card, cable) (List):

-
-
- Birth certificate
 - Store discount/club cards (List):

-
-
- Video store card
 - Social Security cards or numbers for any other family members
 - Addresses, phone numbers, email addresses and birth dates of family, friends business associates
 - Codes/passwords/authorization information
 - Other:



TOOL BOX: RECORD ACTIVITY

LAW ENFORCEMENT AND OTHER AUTHORITIES - REPORT IDENTITY THEFT

Agency/Dept	Phone Number	Date Contacted	Contact Person(s)	Report/Case Number	Comments/Results
Local Police Dept.					
Federal Trade Commission	1-877-IDTHEFT				
Attorney General	1-800-771-7755				
NYS Motor Vehicles	1-518-473-6464				
Social Security Admin.	1-800-269-0271				
Postal Inspection Service	1-800-275-8777				
U.S. State Department/ Passports	1-877-487-2778				

TOOL BOX: RECORD ACTIVITY

BUSINESSES - REPORT FRAUD

Firm	Phone Number	Account	Date Contacted	Contact Person(s)	Report/Case Number	Comments/Results
Utility						
Long Distance Carrier						
Cable Company						
Health Insurance						
Health Club						
Library						
AAA/Motor Club						
Employer/School						
Discount Clubs						
Other:						

TOOL BOX: IDENTITY THEFT AFFIDAVIT

Directions

To ensure that you are not held responsible for the debts incurred by the identity thief, you should report fraud to the companies where accounts were opened in your name and provide proof that you did not create the debt. The affidavit below was developed by the FTC and others to assist you in this effort. It is an important tool to help clear your name. Acceptance of this affidavit is optional for companies. While some businesses accept this form as your main report of fraud, others may require you to submit additional or different paperwork. Therefore, before you send the affidavit, you are advised to contact each company to determine their practice.

You may use this affidavit where a new account was opened in your name. Providing information will enable the companies to investigate the fraud and determine the disposition of your claim. In order to expedite the investigation, you are encouraged to complete this affidavit promptly, accurately and comprehensively. While you may decide not to provide some of the information requested in the affidavit, please keep in mind that incorrect or incomplete information may delay the investigative process.

Upon completing the affidavit, mail a copy to each creditor, store or company that provided the thief with the unauthorized credit, goods or services you describe. When you send the affidavit, attach copies NOT originals of any supporting documentation. Retain a copy for your records. Attach to each affidavit a copy of the Fraudulent Account Statement with information relevant to the accounts opened at the business receiving the information. Send the appropriate documents to each company by certified mail, return receipt requested, so you have proof that your claim was received. The companies will review your claim and should send you a written response explaining the outcome of their investigation.

If you cannot complete the affidavit, a legal guardian or someone with power of attorney may be able to complete it on your behalf. While completing this affidavit does not guarantee that the identity thief will be apprehended and prosecuted or that the disputed credit information will be fully resolved, it will however assist creditors and law enforcement investigate fraud and help you restore your good record.

You may make as many copies of this affidavit as you need.

IDENTITY THEFT AFFIDAVIT

PART I - Victim Information

1. My full legal name is:

(First) (Middle) (Last) (Jr., Sr., III)

2. (If different from above) When the events described in this affidavit took place, I was known as:

(First) (Middle) (Last) (Jr., Sr., III)

3. My date of birth is: (Month/day/year)

4. My Social Security number is: _____

5. My driver's license or identification card state and number are:

6. My current address is:

City _____ State _____ Zip Code _____

7. I have lived at this address since

(month/year)

8. My previous address was

City _____ State _____ Zip Code _____

9. I lived at my previous address from _____ until _____

10. My daytime telephone number is (_____) _____

11. My evening telephone number is (_____) _____

PART II - How the Fraud Occurred
Check all that apply for items 12-17:

12. I did not authorize anyone to use my name or personal information to seek the money, credit, loans, goods or services described in this report.
13. I did not receive any benefit, money, goods or services as a result of the events described in this report.
14. My identification documents (for example, credit cards; birth certificate; driver's license; Social Security card; health insurance card etc.) were

stolen lost on or about

 (month/day/year)

15. To the best of my knowledge and belief, the following person(s) used my information (for example, my name, address, date of birth, existing account numbers, Social Security number, mother's maiden name, etc.) or identification documents to get money, credit, loans, goods or services without my knowledge or authorization:

 Name (if known)

 Name (if known)

 Address (if known)

 Address (if known)

 Phone Number(s) (if known)

 Phone Number(s) (if known)

 Additional Information (if known)

 Additional Information (if known)

DO NOT SEND AFFIDAVIT TO ANY GOVERNMENT AGENCY

16. I do NOT know who used my information or identification documents to get money, credit, loans, goods or services without my knowledge or authorization.
17. Additional comments: (For example, description of the fraud, which documents or information were used or how the identity thief gained access to your information.)

(Attach additional pages as necessary)

PART III - Victim's Law Enforcement Actions

18. (check one) I am am not willing to assist in the prosecution of the person(s) who committed this fraud.
19. (check one) I am am not authorizing the release of this information to law enforcement for the purpose of assisting them in the investigation and the prosecution of the person(s) who committed this fraud.
20. (check all that apply)
- I have have not reported the events described in this affidavit to the police or other law enforcement agencies.
- The police did did not write a report.

DO NOT SEND AFFIDAVIT TO ANY GOVERNMENT AGENCY

In the event you have contacted the police or other law enforcement agency, please complete the following:

(Agency #1)

(Officer/Agency personnel taking report)

(Date of report)

(Report Number, if any)

(Telephone number)

(E-mail address, if any)

(Agency #2)

(Officer/Agency personnel taking report)

(Date of report)

(Report Number, if any)

(Telephone number)

(E-mail address, if any)

PART IV -Documentation Checklist

Please identify the supporting documentation you are able to provide to the companies you plan to notify. Attach copies (NOT originals) to the affidavit before sending it to the companies.

- 21. A copy of a valid government-issued photo-identification card (for example, your driver's license, state-issued ID card or your passport). If you are under 16 and don't have a photo-ID, you may submit a copy of your birth certificate or a copy of your official school records showing your enrollment and place of residence.

- 22. Proof of residency during the time the disputed bill occurred, the loan was made or the other event took place (for example, a rental/lease agreement in your name, a copy of a utility bill or a copy of an insurance bill).

DO NOT SEND AFFIDAVIT TO ANY GOVERNMENT AGENCY

23. A copy of the report you filed with the police department. If you are unable to obtain a report number from the police, please indicate that in Paragraph 20, above. Some companies only need the report number, not a copy of the report. You may want to check with each company.

PART V - Signature

I declare under penalty of perjury that the information I have provided in this affidavit is true and correct to the best of my knowledge.

(Signature) (Date Signed)

(Notary Public)

(Check with each creditor - not everyone requires notarization. If they do not, please have one witness (non-relative) sign below that you completed and signed this affidavit.)

(Witness) (Printed Name)

(Date) (Telephone)

Knowingly submitting false information on this form could subject you to criminal prosecution and penalties.

DO NOT SEND AFFIDAVIT TO ANY GOVERNMENT AGENCY

PART VI - Fraudulent Account Statement

Please make as many copies of this page as you need. **Complete a separate Part VI-Fraudulent Account Statement for each company you're notifying and only send it to that company.** Include a copy of your signed affidavit. Be sure to list only the account(s) you are disputing with the creditor who is going to receive this form. If a collection agency sent you a statement, letter or notice about the fraudulent account, attach a copy of that letter or notice with this form. (Do Not send the original).

I hereby declare as follows:

As a result of the events described in my Identify Theft Affidavit, (copy attached), the following account(s) was/were opened or charges made at your company in my name without my knowledge, permission or authorization using my personal information or identifying documents:

Creditor Name/Address <i>(the company that opened the account or provided the goods or services)</i>	Account Number	Type of Credit, goods or services provided by creditor <i>(if known)</i>	Date Issued or Provided <i>(if known)</i>	Amount/Value Provided <i>(The amount charged or the cost of the goods/services)</i>
Example: ABC Store 1 Broadway New York, NY 27602	01234567-89	store card	1/1/03	\$10,000.00

During the time of the accounts described above, I had the following account open with your company:

Billing name: _____

Billing address: _____

Account number: _____

DO NOT SEND AFFIDAVIT TO ANY GOVERNMENT AGENCY