

PRIVACY RIGHTS



SOUTH DAKOTA OFFICE OF ATTORNEY GENERAL
DIVISION OF CONSUMER PROTECTION

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EDITION

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THIS HANDBOOK IS FOR INFORMATIONAL PURPOSES AND SHOULD NOT BE CONSTRUED AS LEGAL ADVICE OR AS THE POLICY OF THE STATE OF SOUTH DAKOTA.
 IF YOU NEED ADVICE ON A PARTICULAR ISSUE, YOU SHOULD CONSULT AN ATTORNEY OR OTHER EXPERT.
 COPIES OF THIS DOCUMENT WERE PRINTED BY THE ATTORNEY GENERAL'S OFFICE AT THE COST OF \$0.89 PER HANDBOOK.

IDENTITY THEFT

Every day you share personal information about yourself with others. It's so routine that you may not even realize you're doing it. You may write a check at the grocery store, charge tickets to the ball game, rent a car, mail your tax returns, schedule a doctor's appointment or apply for a credit card. Each transaction requires you to share personal information such as:

- Bank and credit card account numbers
- Income
- Social Security Number (SSN)
- Name, address, and phone numbers

There are unscrupulous individuals, like identity thieves, who want your information to commit fraud.

Identity theft occurs when someone uses your personal identifying information, like your name, SSN, or bank or credit card number, without your permission, to commit fraud or other crimes. The crime takes many forms. Identity thieves may rent an apartment, obtain a credit card, or establish a telephone account in your name. You may not find out about the theft until you review your credit report or a credit card statement and notice charges you didn't make—or until you're contacted by a debt collector.

Identity theft is serious. While some identity theft victims can resolve their problems quickly, others spend hundreds of dollars and many days repairing damage to their good name and credit record. Some consumers victimized by identity theft may lose out on job opportunities, or be denied loans for educations, housing or cars because of negative information on their credit reports. In rare cases, they may even be arrested for crimes they did not commit.



ID THEFT & PRIVACY RIGHTS

TIPS TO REMEMBER

- Pay attention to your billing cycles. Follow up with creditors if your bills don't arrive on time. A missing credit card bill could mean an identity thief has taken over your credit card account and changed your billing address to cover his tracks.
- Use a secure browser when shopping online to guard the security of your transactions. When submitting your purchase information, look for the "lock" icon on the browser's status bar to be sure your information is secure during transmission.
- Put passwords on your credit card, bank and phone accounts. Avoid using easily available information like your mother's maiden name, your birth date, the last four digits of your SSN or your phone number. Also, do not use obvious choices like a series of consecutive numbers.
- Minimize the identification information and the number of cards you carry. Don't put all your Personal Identification Numbers (PIN) or similar information in one compartment in your purse, briefcase or backpack. Never keep the PIN information and the credit or bank account cards in the same location.
- Be cautious about where you leave personal information in your home, especially if you have roommates, employ outside help or have service work done in your home. Also, shred or destroy such documents as receipts, copies of credit applications, insurance forms, physician statements, bank checks and statements, expired charge cards, and credit offers you get in the mail. This will help stop any identity thief who may pick through your trash to capture your personal information.
- Notify your credit card company if you plan to travel out of state.
- Find out who has access to your personal information at work and verify that the records are kept in a secure location.
- Read the privacy policy on all websites directed to children. Websites directed to children or that knowingly collect information from kids under 13 must post a notice of their information collection practices.
- Consider ordering a copy of your credit report from each of the three major credit reporting agencies every year. Make sure it's accurate and includes only those activities you've authorized.



- Don't carry your social security card with you. Leave it in a secure place.
- Keep a list or photocopy of all your credit cards, account numbers, expiration dates, and telephone number of the customer service and fraud departments in a secure place (not your wallet or purse) so you can quickly contact your creditor in case your cards are lost or stolen. Do the same with your bank accounts.
- If you are a proven identity theft victim, you are only responsible for the first \$50.00 worth of fraudulent charges placed on your credit card account(s).
- Do not give out personal information on the phone, through the mail or over the internet unless you have initiated the contact and know whom you are dealing with. Identity thieves may pose as representatives of banks, internet service providers, and even government agencies to get you to reveal your SSN, mother's maiden name, financial account numbers, and other identifying information. Legitimate organizations with which you do business have the information they need and will not ask you for it. This activity performed by identity thieves is called **phishing**, as they are "fishing" for your personal information.

DID YOU KNOW

VISHING is a voice phishing scam that prompts consumers to dial into a voicemail system that records personal information. It sometimes directs the recipient to either call a number or it could be a cold call from scammers (voice or automated) attempting to retrieve sensitive/personal information. Like phishing scams, the message usually sounds urgent and stresses the existence of a problem with the recipient's account.

Vishing scammers use a technique called **Caller ID Spoofing** to make it look like calls are coming from a legitimate or known phone number. People receive a message that sounds urgent or stresses the existence of a problem. The recorded message then tells users to call a toll-free number and to enter in a credit card number or other personal identifying information.

SMISHING is a scam that is a combination of texting and phishing. Criminals set up an automated dialing system to text or call people in a particular region or area code.

The victims receive text messages saying: "There's a problem with your account," or "Your ATM card needs to be reactivated," and consumers are directed to a phone number or website asking for personal information. Armed with this information, criminals can steal from victims' bank accounts, charge purchases on their charge cards, create a phony ATM card, etc.

If a victim logs onto one of the phony websites with a smartphone, they could end up downloading malicious software that could give criminals access to anything on the phone. **With the growth of mobile banking and the ability to conduct financial transactions online, smishing and vishing attacks may become more prevalent.**

FREE CREDIT REPORTS

Your credit report contains information about where you live, how you pay your bills, whether you've been sued or arrested, or if you've filed for bankruptcy. Credit reporting agencies sell the information in your report to creditors, insurers, employers, and other businesses that use it to evaluate your applications for credit, insurance, employment, or renting a home. The federal Fair Credit Reporting Act (FCRA) promotes the accuracy and privacy of information in the files of the nation's credit reporting agencies.

An amendment to the federal Fair Credit Reporting Act, known as the Fair and Accurate Credit Transaction Act, established a **FREE** credit report program. The program requires the three national credit reporting agencies, Equifax, Experian and TransUnion, to provide consumers, upon request, with a free copy of the credit report every 12 months. It is crucial that you check for inaccuracies and fraudulent use of your accounts. The free reports are available only through a central site set up by the three agencies.

Monitoring your credit card statements, bank statements and your credit reports are the most important steps you can take to safeguard your credit and financial identity.



To obtain the free reports, consumers can:

- Order online at www.annualcreditreport.com
- Call 1-877-322-8228 (mailed within 15 days of receipt but allow 2-3 weeks for delivery)
- Complete the Annual Credit Report Request form, available at www.ftc.gov/credit and mail to:

Annual Credit Report Request Service
PO Box 105281
Atlanta GA 30348-5281

We recommend that you stagger your reports and order one every 4 months. Staggering the requests throughout the year would allow for a continual watch of the credit history and provide further protection from incidences of identity theft. So, if you order from only one company today you can still order from the other two companies at a later date.

NOTE: Your credit score is NOT included with the free credit report offered by Annual Credit Report.

SAMPLE LETTER ON NEXT PAGE

The following information is required to process your request.

Omission of any information may delay your request.

Once complete, **mail certified** to: Annual Credit Report Request Service, PO Box 105281, Atlanta GA 30348-5281

Social Security Number: _____
Date of Birth: _____

FIRST, MIDDLE & LAST NAME: _____
(List all name variations, including Jr, Sr, II, etc.)

CURRENT MAILING ADDRESS: _____

PREVIOUS MAILING ADDRESS: _____
(Fill in your previous mailing address if you have moved in the last 2 years)

I WANT A CREDIT REPORT FROM: Equifax
(Shade Each that you would like to receive) Experian
 TransUnion

SHADE HERE IF, FOR SECURITY REASONS, YOU WANT YOUR CREDIT REPORT TO INCLUDE NO MORE THAN THE LAST FOUR DIGITS OF YOUR SOCIAL SECURITY NUMBER.

If additional information is needed to process your request, the consumer credit reporting company will contact you by mail.

The last page of this brochure has a check-off form to use when you order.

IF YOU HAVE NEGATIVE INFORMATION

When negative information in your report is accurate, only the passage of time can assure its removal. A consumer reporting company can report most accurate negative information for seven (7) years and bankruptcy information for ten (10) years. Information about an unpaid judgment against you can be reported for seven (7) years or until the statute of limitations runs out, whichever is longer. There is no time limit on reporting: information about criminal convictions; information reported in response to your application for a job that pays more than \$75,000 a year; or information reported because you've applied for more than \$150,000 worth of credit or life insurance. There is a standard method for calculating the seven (7) year reporting period. Generally, the period runs from the date that the event took place.

DID YOU KNOW

You need to provide your name, address, Social Security Number, and date of birth when requesting your credit report. Also, if you have moved in the last two years, you may have to provide your previous address. To maintain the security of your file, each nationwide consumer reporting company may ask you for some information that only you would know, like the amount of your monthly mortgage payment. Each company may ask you for different information because the information each has in your file may come from different sources.

CORRECTING CREDIT REPORT ERRORS

Under the FCRA, both the credit reporting agency and the information provider (that is, the person, company, or organization that provides information about you to a credit reporting agency) are responsible for correcting inaccurate or incomplete information in your report. To take advantage of all your rights under this law, contact the agency and the information provider.

Step One

Tell the credit reporting agency, in writing, what information you think is inaccurate. Include copies, NOT originals, of documents that support your position. In addition to providing your complete name and address, your letter should clearly identify each item in your report you dispute. State the facts and explain why you dispute the information, and request that it be removed or corrected. You may want to enclose a copy of your report with the items in question circled. **Your letter may look something like the sample on page 11.** Send your letter by certified mail, "return receipt requested", so you can document what the credit reporting agency received your documents. Keep copies of your dispute letter and enclosures.

Reporting companies must investigate the items in question, usually within 30 days, unless they consider your dispute frivolous. They must also forward all the relevant data you provide about the inaccuracy to the organization that provided the information. After the information provider receives notice of a dispute from the credit reporting agency, it must investigate, review the relevant information, and report the results back to the agency. If the information provider finds the disputed information is inaccurate, it must notify all three (3) nationwide credit reporting agencies so they can correct the information in your file.

When the investigation is complete, the credit reporting agency must give you the results in writing and a free copy of your report if the dispute results in a change. This free report does not count as your annual free report. If an item is changed or deleted, the agency cannot put the disputed information back in your file unless the information provider verifies that it is accurate and complete. The consumer reporting company also must send you a written notice that includes the name, address, and phone number of the information provider.

If you ask, the credit reporting agencies must send notices of any corrections to anyone who received your report in the past six months. You can have a corrected copy of your report sent to anyone who received a copy during the past two years for employment purposes.

If an investigation doesn't resolve your dispute with the credit reporting agency, you can ask that a statement of the dispute be included in your file and in future reports. You also can ask the agency to provide our statement to anyone who received a copy of your report in the recent past. You can expect to pay a fee for this service.

DID YOU KNOW

When correcting credit report errors, the reporting companies must investigate the items in question, usually within 30 days, unless they consider your dispute frivolous.



Step Two

Tell the creditor or other information provider, in writing, that you dispute an item. Be sure to include copies (NOT originals) of documents that support your position. Many providers specify an address for disputes. If the provider reports the item to a credit reporting agency, it must include a notice of your dispute. If you are correct, that is, if the information is found to be inaccurate, the information provider may not report it again.

Should I sign up for Credit Monitoring?

The Attorney General's Office does not endorse or oppose credit monitoring services, and advises consumers to consider whether these services are beneficial. Note that credit reporting agencies offer packages that provide credit monitoring—for an additional cost—with the ability to freeze your reports. However, remember you are only responsible for the first \$50.00 worth of fraudulent charges placed on your credit card account(s) if you are a proven identity theft victim.

ADDING ACCOUNTS TO YOUR REPORT



Your credit file may not reflect all your credit accounts. Although most national department store and all-purpose bank credit card accounts will be included in your file, not all creditors supply information to credit reporting agencies: some local retailers, credit unions, and travel, entertainment, and gasoline card companies are among the creditors that don't.

If you've been told that you were denied credit because of an "insufficient credit file" or "no credit file" and you have accounts with creditors that don't appear in your credit file, ask the credit reporting agencies to add this information to future reports. Although they are not required to do so, many credit reporting agencies will add verifiable accounts for a fee. However, understand that if these creditors do not report to the agency on a regular basis, the added items will not be updated in your file.

SAMPLE LETTER ON NEXT PAGE

Date
Your Name
Your Address
City, State, Zip Code

Complaint Department
Name of Company
Address
City, State, Zip Code

Dear Sir or Madam:

I am writing to dispute the following information in my file. I have circled the items I dispute on the attached copy of the report I received.

This item *(identify item(s) disputed by name of source, such as creditors or tax court, and identify type of item, such as credit account, judgment, etc.)* is *(inaccurate/incomplete)* because *(describe what is inaccurate or incomplete and why)*. I am requesting that the item be removed *(or request another specific change)* to correct the information.

Enclosed are copies of *(use this sentence if applicable and describe any enclosed documentation, such as payment records and court documents)* supporting my position. Please reinvestigate this *(these)* matter(s) and *(delete or correct)* the disputed item(s) as soon as possible.

Sincerely,

Your name

Enclosures: *(List what you are enclosing)*

OPT-OUT

Our economy generates an enormous amount of data. Most users of that information are from honest businesses getting and giving legitimate information. Despite the benefits of the information age, some consumers may want to limit the amount of personal information they share.



Marketing Opt-Out

Many organizations are offering consumers choices about how their personal information is used. For example, many feature an “opt-out” choice that limits the information shared with others or used for promotional purposes. When you “opt-out,” you may cut down on the number of unsolicited telemarketing calls, promotional mail and spam e-mails that you receive. Look for ways to “opt-out” of mailing lists to reduce “junk” mail and unauthorized solicitations. Many mail order forms, magazines and marketers now provide a box to check if you do not want your name(s), address and shopping habits to be shared with other companies.

Financial Privacy Opt-Out

Federal privacy laws give you the right to stop (opt-out of) some sharing of your personal financial information. These laws balance your right to privacy with the financial companies' need to provide information for normal business purposes.

Protect Your Financial Privacy

To protect your **financial privacy**, tell your financial companies that they may not sell or share your customer data with other companies. Federal law requires banks, credit card companies, insurance companies, and brokerage firms to send you a privacy notice each year. If

you opt-out, you limit the extent to which the company can provide your personal information to non-affiliates. If you do not opt-out within a "reasonable period of time," generally about 30 days after the company mails the notice, then the company is free to share certain personal financial information. If you didn't opt-out the first time you received a privacy notice from a financial company, it's not too late. You can always change your mind and opt-out of certain information sharing. Contact your financial company and ask for instructions on how to opt-out. Remember, however, that any personal financial information that was shared before you opted-out cannot be retrieved.



DID YOU KNOW

The term "**opt-out**" means that *unless* and *until* you inform potential creditors that you do not want them to share or sell your customer data to other companies, they are free to do so.

Pay attention to the mail you receive from your bank, insurance company, credit card company, and brokerage firm. Look for words such as "*Privacy Notice*," "*Privacy Policy*," and "*Opt-Out Notice*." You might receive such notices via e-mail or the company's website if that is the way you normally do business with them.

OPT-OUT — PRE-SCREENED OFFERS OF CREDIT

The three (3) major credit reporting agencies offer a toll-free number that enables you to “opt-out” of having pre-screened credit offers sent to you. By calling [1-888-5-OPTOUT \(567-8688\)](tel:1-888-5-OPTOUT) or visiting www.optoutprescreen.com, your name will be removed from the mailing list for five (5) years. Your request is shared with all three credit reporting agencies. However, it is important to follow up to make sure this has been done.

In addition, you can instruct the agencies to not share your personal information for promotional purposes, which is an important step towards eliminating unsolicited mail. To prevent your personal information from being shared, send a letter, call, or e-mail to each of the credit reporting agencies.

A "prescreened" offer of credit? What's that?

Many companies that solicit new credit card accounts and insurance policies use pre-screening to identify potential customers for the products they offer. Prescreened offers, sometimes called "preapproved" offers, are based on information in your credit report that indicates you meet criteria set by the offer.

How does prescreening work?

A creditor or insurer establishes criteria, like a minimum credit score or minimum annual salary, and asks a consumer reporting company for a list of people in the company's database who meet the criteria.

Can prescreening hurt my credit report or credit score?

No. There will be "inquiries" on your credit report showing which companies obtained your information for prescreening, but those inquiries will not have a negative effect on your credit report or credit score.

To Opt-Out Permanently: You may begin the permanent opt-out process online at www.optoutprescreen.com. To complete your request, you must return the signed *Permanent Opt-Out Election* form, which will be provided after you initiate your online request.



SAMPLE LETTER ON NEXT PAGE

EQUIFAX, INC.

Options

PO Box 740123

Atlanta GA 30374-0123

EXPERIAN

OPT-OUT

PO Box 919

Alan TX 75013

TRANSUNION

Name Removed Option

PO Box 505

Woodlyn PA 19094

Date

To whom it may concern,

I request to have my name removed from your marketing lists. Here is the information you have asked me to include in my request.

FIRST, MIDDLE & LAST NAME:

(List all name variations, including Jr, Sr, II, etc.)

CURRENT MAILING ADDRESS:

PREVIOUS MAILING ADDRESS:

(Fill in your previous mailing address if you have moved in the last 6 months.)

SOCIAL SECURITY NUMBER:

DATE OF BIRTH:

Thank you for your prompt handling of my request.

SIGNATURE

SOCIAL SECURITY NUMBER & PRIVACY

Be very protective of your **Social Security Number (SSN)**. Only provide it when you know it is required (tax forms, employment records, most banking, stock and property transactions). If the SSN is requested by a government agency, look for the Privacy Act notice. This tells you if your SSN is required, what will be done with it, and what happens if you refuse to provide it.



Give your SSN only when absolutely necessary, and ask to use other types of identifiers. If your SSN is your driver's license number, ask to substitute another number. Do the same if your health insurance company uses your SSN as your policy number. Your employer and financial institutions need your SSN for wage and tax reporting purposes. Other businesses may ask you for your SSN to do a credit check if you are applying for a loan, renting an apartment, or signing up for utilities. Sometimes, however, they simply want your SSN for general record keeping.

Pay attention to your **Social Security Statement of Earnings and Benefits**. The Social Security Administration mails your statement each year about three (3) months before your birthday. Your Statement contains a record of your earning history and an estimate of how much you and your employer paid in Social Security taxes. It also includes estimates of benefits you (and your family) may be eligible for now and in the future. If you need to order your Statement at another time, call (800) 772-1213 for instructions or visit www.socialsecurity.gov.

If someone requests your Social Security number, ask:

How will it be used?

How do you protect it from being stolen?

Why do you need it?

What will happen if I don't give it to you?

SOCIAL SECURITY NUMBER (SSN)

There is no law that prevents businesses from requesting your SSN. If you don't provide it, some businesses may not provide you with the service or benefit you want. Unfortunately, your credit report, bank account and other financial records are linked to your social security number. If your social security number falls into the hands of the wrong person, you could be the victim of credit or banking fraud.

Ask if you can use an alternate number such as your driver's license number. You may need to be assertive and persistent. Do not have your SSN printed on your checks. It is too easily available to persons.

THEFT & MISUSE

The Social Security Administration Office of the Inspector General provides an avenue for individuals to report fraud, waste and abuse within the Social Security Administration's (SSA) programs and operations. They also investigate causes of identity theft. To report allegations that a SSN has been stolen or misused contact the SSA at:

Social Security Administration Fraud Hotline
PO Box 17768
Baltimore MD 21235
1-800-269-0271 or 1-800-772-1213 — 10:00am-4:00pm EST
www.ssa.gov



TAX-RELATED IDENTITY THEFT

The IRS uses your Social Security Number (SSN) to make sure your filing is accurate and complete, and that you receive any refund you are due. Identity theft can affect how your tax return is processed. An unexpected notice or letter from the IRS could alert you that someone else is using your SSN.

DID YOU KNOW

The IRS doesn't start contact with a taxpayer by sending an email, text or social media message that asks for personal or financial information. If you get an email that claims to be from the IRS, do not reply or click on any links. Instead, forward it to phishing@irs.gov.

If you think someone used your SSN for a tax refund or a job — or the IRS sends you a notice or letter indicating a problem — contact the IRS immediately. Specialists will work with you to get your tax return filed, get you any refund you are due, and protect your IRS account from identity thieves in the future. Contact the IRS Identity Protection Specialized Unit by calling 1-800-908-4490. You can also contact our office for additional assistance at 1-800-300-1986 or 605-773-4400.

DO NOT CALL REGISTRY

Another way for consumers to protect their personal information is to have their name included in the National Do Not Call Registry. You can register for free at www.sddonotcall.com or by calling 1-888-382-1222 (you must call this number from the phone on which you receive the unwanted calls). Once your number is on the Do Not Call Registry, telemarketers will be on notice that you do not want telemarketing calls.

Note: You may also place your cell phone on the registry by calling the toll-free number from your cell phone.

Placing your number on the National Do Not Call Registry will stop most, but not all telemarketing calls. You may still receive calls from political organizations, charities, telephone surveyors or companies with which you have an existing business relationship with over the last twelve (12) months. You can also receive calls in an attempt to collect a debt or contract. Calls may be received for the purpose of obtaining information (example: establishing a date/time for an appointment which will take place at the solicitor's place of business, or the consumer's home). These types of calls CANNOT be made by an automated telephone dialing system. **The last page of this brochure has a check-off form to use when you register.**



TELEMARKETING SALES RULES — REQUEST NOT TO CALL

If you don't put your number on the national registry, you still can prohibit individual telemarketers from calling, by asking each to put you on their company's do not call list. By law they have to honor your request. If you have an established business relationship with a company, you still can ask them not to call you. The company must honor your request.

Complaints regarding calls that are exempt from the National Do Not Call Registry should be reported to the Attorney General's Division of Consumer Protection at 605-773-4400 or 800-300-1986 (in-state only).

DID YOU KNOW

Although callers soliciting charitable contributions do not have to search the national registry, a for-profit telemarketer calling on behalf of a charitable organization must honor your request not to receive calls on behalf of that charity.

DIRECT MARKETERS

If you shop direct - by mail, online, telephone or home shopping TV shows - chances are the companies you are ordering could be members of the Direct Marketing Association (DMA).

DMA offers the right to Opt-Out of direct marketing mailings and emails by visiting www.dmachoice.org. DMAchoice™ is an online tool developed by the DMA to help you manage your mail/emails. When you register with these services, your name will be put on a “delete” file that is updated throughout the year and made available to the direct-mail marketers. DMAchoice™ divides direct mails into four categories (credit cards, catalogs, magazine orders, other mail offers), to cut back on mailings you are not interested in. Two to three months after signing up for these services, you should notice a decrease in the number of solicitations you receive. However, your registration will not stop mailings from organizations *NOT* registered with the DMA.

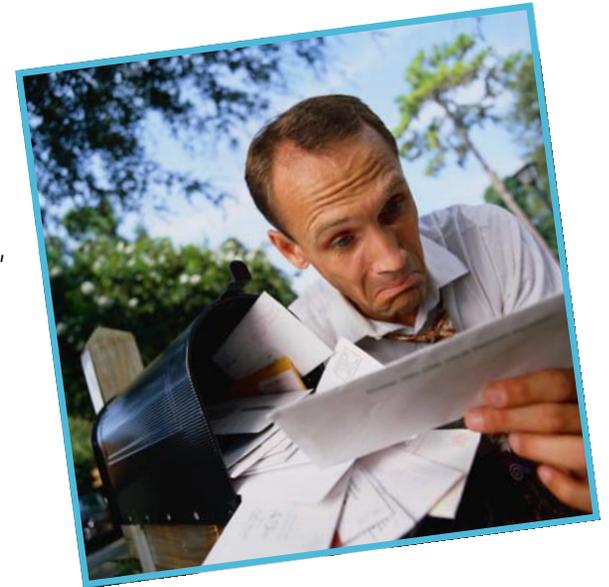
To sign up for these services, go to www.dmachoice.org (you will be prompted to create an user account before using the services) and choose the types of mailings or emails you would like to opt-out of receiving. Registering for these mail preference services through the site is the fastest and easiest way to create an account.

Email Preference Service registration is active for five (5) years, after which time you must register again.

Mail Preference Service registration is active for five (5) years, after which time you must register again.

If you would rather send your information by mail, you can download a form on the website, print it, and send it along with a check for \$1 (one dollar) payable to the DMA. You can find the registration form at https://www.dmachoice.org/static/pdf/registration_form.pdf. Do not send cash. Your name will remain on DMAchoice for three (3) years. **Mail request to: DMAchoice - Direct Marketing Association PO Box 643 Carmel, NY 10512**

The DMA also provides a *Deceased Do Not Contact Registration* for family members seeking to remove the names of deceased individuals from commercial marketing lists. Additionally, a *Do Not Contact List for Caretakers* is available for individuals who are in the care of another family member, friend or caretaker. When registering for either of these services, the individuals name, address and email address is placed on DMA’s mail and email preference service lists. (Do Not Contact List for Caretakers is effective for six (6) years, after which time you must register the individual again.)



MARKETING & SOLICITATIONS

JUNK MAIL — TELEMARKETING



In general, be aware that when you provide your name, address, phone number and other personal information to a company, your name could end up on mailing lists. The following activities often result in "junk" mail and telemarketing calls:

- Filling out warranty and product registration cards. Give only your name, address and information about the product you purchased. Leave the rest blank.
 - Joining or donating money to clubs, organizations, charities. Tell them in writing not to sell or exchange your name with other groups.
 - Subscribing to magazines, book clubs and music/CD clubs. Tell them not to sell your name.
 - Listing your phone number and address in the phone book. Omit your address, or be unlisted.
- 
- Avoid entering **sweepstakes** and other contests if you want to stay off mailing and telemarketing lists aimed at "opportunity seekers," often called "sucker lists." The purpose of contests is to compile names and addresses that can be sold to marketers for other solicitations, such as fundraising or catalog offers. Some contests and special offers are scams, especially those that ask you for money up front or which offer get-rich-quick schemes.
 - Remember, many prize promotions or drawings are geared to gather your personal information. Often times, you are giving them permission to call or solicit you in the future.

SECURITY BREACHES

Have you received a letter informing you that your personal information may have gotten into the wrong hands? It is increasingly common for companies, educational institutions, and government agencies (whether or not their state has a breach notice law) to notify individuals when computer files containing personal information have been hacked, stolen, or lost. If the file includes your SSN, financial account numbers, driver's license numbers, or data that would be useful to identity thieves, there are steps you can take to reduce your risk of fraud.

What should you do if you receive a letter telling you that your personal information has been compromised?

First, don't panic. A security breach does not necessarily mean that you will become a victim of identity theft.

1. Figure out what type of breach has occurred. Has a breach occurred with your *existing* financial account? Has your SSN been compromised, with the chance that *new accounts* can be established by an imposter? Has your driver's license number been compromised, or another government-issued ID document?

- **Existing accounts.** If the breach involved your *existing* credit or debit card account, you will want to monitor your monthly account statements very carefully. Contact the creditor if your statement does not arrive on time. A missing bill could mean that an identity thief has changed your address. Check statements for transactions you did not make. Dispute those fraudulent charges directly with the credit or debit card company. The company will likely cancel the account and give you a new card and account number. You will not be responsible for the fraudulent charges if you properly dispute them. It's very important to report the fraudulent transactions immediately. In some situations, the financial company will not wait for evidence of fraud. It will instead cancel the existing account and issue a new account number right away.
- **The potential for new accounts to be opened.** If the breach involved disclosure of your SSN, a fraudster could use that information to open *new accounts* in your name. You will not immediately know of the new accounts because criminals usually use an address other than your own for the account. Since you will not be receiving the monthly account statements, you are likely to be unaware of the account(s). That is why it is so important to place a fraud alert with the three credit reporting agencies immediately when you learn that your SSN has been compromised, and then to monitor your credit reports on an ongoing basis. Other evidence of new account fraud include receiving credit cards in the mail that you did not apply for, being denied credit when you





know you've had a good credit score, and being contacted by debt collectors for payments that you do not owe.

- **ID Documents.** Nearly all the security breaches reported to date have potentially involved financial accounts. But if you are notified of a breach involving your driver's license or another government document, contact the agency that issued the document and find out what it recommends in such situations. You might be instructed to cancel the document and obtain a replacement, or the agency might instead "flag" your file to prevent an imposter from getting a license in your name.

2. For security breach situations involving your Social Security Number (SSN) — in other words, breaches in which there is an opportunity for new accounts to be opened in your name you should consider taking the following actions:

- **Notify the credit reporting agencies and establish a fraud alert.** Immediately call the fraud department of one of the three credit reporting agencies — Experian, Equifax, or TransUnion. As soon as the agency processes your fraud alert, it will notify the other two agencies, which then must also place fraud alerts in your file.
- **Order your credit reports.** If you are a victim of identity theft, you will see evidence of it on your credit report. Surveys have found that the sooner individuals learn of the identity theft, the more quickly they can clean up their credit reports and regain their financial health. *(see how to get free copies of your reports on pg. 6)*
- **Examine your credit reports carefully.** When you receive your credit reports, look for signs of fraud such as credit accounts that are not yours. Check if there are numerous inquiries on your credit report. If a thief is attempting to open up several accounts, an inquiry will be listed on your credit report for each of those attempts. Usually identity thieves do not succeed in opening all of the accounts that they apply for, only some. Multiple inquiries that you yourself have not generated are a sign of potential fraud. Also, check that your SSN, address(es), phone number(s), and employment information are correct.
- **If your credit report indicates you are a victim of identity theft, you will want to immediately take steps to remove the fraudulent accounts.** If you are a victim you may contact the Federal Trade Commission or the SD Office of Attorney General website for step-by-step information on what you should do.
- **Contact Social Security Administration at 1-800-772-1213.** Do this to verify earnings reported to your social security number and to request a copy of your Social Security Statement.
- **Continue to monitor your credit reports.** Be aware that these measures may not entirely stop new fraudulent accounts from being opened by an imposter. Credit issuers do not always pay attention to fraud alerts. Once you have received the first free copy of your credit report, follow up in a few months and order another.
- **Consider a security freeze.** The three credit reporting agencies — Equifax, Experian, and TransUnion, offer security freezes nationwide. Read on for further information.

FRAUD ALERTS AND SECURITY FREEZES

Fraud Alerts and Security Freezes can provide a great defense against ID Theft. The below information explains the differences between the two.

Fraud Alerts: Anyone can ask the three major credit reporting agencies to place a fraud alert on their credit reports. A fraud alert is simply a statement on your credit report that you may be a victim of fraud.

Consumers can obtain a 90-day fraud alert if they believe they've been victimized.

Consumers who can provide evidence they've been victimized, such as a police report, can get an extended fraud alert that lasts up to seven years. A fraud alert directs lenders to verify an individual's identity before issuing loans or credit, typically by calling the individual first. Fraud alerts are supposed to alert you when someone applies for credit in your name and signals creditors to contact you for permission to issue credit in your name. **Creditors, however, aren't required to abide by or even check the alert. Accounts can still be opened in your name even if you have a fraud alert on your credit report.**

When you request a fraud alert from one agency, it will notify the other two for you. Your credit file will be flagged with a statement that says you may be a victim of fraud and that creditors should phone you before extending credit.

- Equifax fraud department: (800) 525-6285 • Web: www.equifax.com
- Experian fraud department: (888) EXPERIAN (888-397-3742) • Web: www.experian.com/fraud
- TransUnion fraud department: (800) 680-7289 • Web: www.transunion.com

Security Freeze: A Security Freeze provides much stronger protection than a Fraud Alert. **With a security freeze, no one can open any form of credit in your name without the correct Personal Identification Number (PIN) supplied by you.** Your credit file is off limits to potential lenders, insurers and even potential employers. A security freeze means that your credit file cannot be shared with potential creditors, insurance companies or employers doing background checks without your permission. Most businesses will not open credit accounts without checking a consumer's credit history first. A security freeze means that your credit file cannot be shared with potential creditors or potential identity thieves.

A security freeze can help prevent identity theft because even someone who has your name, address and SSN probably would not be able to obtain credit in your name. This, however, does not mean that you won't be able to get credit for yourself or allow potential employers to run a background check. The three (3) credit reporting agencies assign a PIN to you when you freeze your report. Using this PIN, you can lift the freeze when necessary. With a credit lock-down, a criminal can have your name, birthday and SSN — but it won't matter. No credit will be issued. To obtain more detailed information on how to place a security freeze on your credit reports, see below.

HOW TO “FREEZE” YOUR CREDIT FILES

How do I place a security freeze on my credit files?

To place a freeze, you must request a security freeze in writing by certified mail to each of the three credit reporting agencies. If you are a victim of identity theft there is no cost for the placing, temporarily lifting (also referred to as “thawing”) or removing a security freeze, as long as you have a report from either the police or a law enforcement agency. South Dakota residents who are not identity theft victims must pay \$10 to freeze each credit report, or a total of \$30 to freeze their files with the three (3) credit reporting agencies. There is also a \$10 fee to temporarily lift (also known as “thaw”) or permanently remove a security freeze on your credit report.

Write to the 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 - Fraud Victim Assistance Dept
P.O. Box 2000
Chester, PA 19022-2000

You must:

- Send a letter by certified mail.
- Provide your full name (including middle initial as well as Jr., Sr., II, III, etc.,) address, SSN, 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 showing your name and mailing address.
- Send a photocopy of a government issued identification card (state driver’s license or ID card, military identification, etc.).
- If you are a victim of identity theft, to avoid the fee you must include a copy of report of alleged identity fraud or an identity theft passport.
- Pay the \$10 fee by check, money order, or credit card (Visa, Master Card, American Express or Discover only). Give name of credit card, account number and expiration date and Card Identification Number (4-digit number on front of American Express or 3-digit number on back of other credit cards).

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 previously will place a freeze providing credit reports to potential creditors. After ten (10) business days from receiving your letter to place a freeze on your account, the credit reporting agencies will send you a confirmation letter containing your unique PIN or password. **Keep this PIN or password in a safe place.**

How long will the credit report remain frozen?

It will automatically expire seven (7) years from the date of placement and then can be renewed.

Can I change my mind, once I place the security freeze?

Yes. To permanently remove a security freeze, you must request it along with your 10-digit PIN and two (2) forms of identification (e.g. pay stub with address and utility bill). *It will cost \$10 with each credit reporting agency to remove it.*

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

Yes. You may have a security freeze lifted for a specific date range (e.g. March 15-March 21) or provide proper information regarding the third party you want to receive your credit report. *There will be a \$10 fee to each credit reporting agency in doing so.* The steps you are to take are as follows:

- Contact the credit reporting agencies mentioned in this section.
- The manner by which you contact them is determined by them.
- You must provide proper identification.
- You must provide your unique PIN or password.
- If you are requesting to open your credit for a specific period of time, you must provide during what time period your credit report will be accessible.
- If you are requesting to open your credit to a specific party, you must specify who that party is.

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

Credit reporting agencies 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.



What law allows security freezes to be available?

South Dakota Codified Law 54-15 became effective on July 1, 2006.

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 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 ac-

cess for collecting child support payments, 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 credit reporting agencies?

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

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 previously.

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

Yes. Both spouses have to freeze their separate credit files, via separate letters requesting the freeze, in order to get the benefit. That means the total cost for freezing is \$10 X 3 credit reporting agencies x 2 people = \$60.

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. The Opt-Out will stop most of the offers (the ones that go through the credit reporting agencies). It's good for five (5) years or you can make it permanent. (see page 14 for more details).

What if your frozen credit report is released without authorization? Federal law requires that within five (5) days, the credit agency must notify you of what third party received your information. You can file a civil action against an agency that willfully violates your security freeze to recover damages up to \$5,000 plus reasonable legal expenses.



SAMPLE LETTER ON NEXT PAGE

(Opt-Out Information can be found on pages 12-15 in this handbook)

Send a separate letter requesting a security freeze to each credit reporting agency. Make sure to write clearly and sign the letter. Send the letter certified mail-keep a copy for your records. Enclose a copy of the required documents-never the originals. There is not a fee for identity theft victims but as long as you include a copy of the police report.

Date:

[AGENCY NAME & ADDRESS]

I would like to place a security freeze on my credit file.

My name is: _____

(Be sure to include full name, middle initial, former names, & Jr./Sr./III)

My current address is: _____

In the past two years I have also lived at: (list all addresses)

My Social Security Number is: _____

My date of birth is: _____

As proof of identification and residence, I am enclosing a copy of the following two items:

(List what you are enclosing. Enclose copy of a government ID card such as driver's license or military ID AND a copy of a utility bill, phone bill or insurance or bank statement.- don't send originals)

I am an identity theft victim and a copy of my police report is enclosed (NO CHARGE)

OR

I will pay the \$10 fee for placing the freeze by:

Money Order _____

Credit Card – [Visa, MasterCard, American Express or Discover] _____

Card Number _____ Expiration Date: _____

Card Id Number _____

(4-digit number on front of American Express above account number or 3-digit number on the back of other cards at the end of the account number.)

Sincerely,

[YOUR SIGNATURE AND ADDRESS]

SAMPLE OF SECURITY FREEZE LETTER

HEALTH CARE & PRIVACY

*This is a brief summary of your rights and protections under the federal health information privacy law.
This is known as Health Insurance Portability & Accountability Act (HIPAA)*

Your Privacy Matters

Most of us feel that our health and medical information is private and should be protected, and you have the right to know who has this information. Federal law:

- Gives you rights over your health information.
- Sets rules and limits on who can look at and receive your health information.

Your Health Information is Protected by Federal Law

Who must follow this law?

- Most doctors, nurses, pharmacies, hospitals, clinics, nursing homes, and many other health care providers.
- Health insurance companies, HMOs, most employer group health plans.
- Certain government programs that pay for health care, such as Medicare and Medicaid.

What information is protected?

- Information your doctors, nurses, and other health care providers place in your medical record.
- Conversations your doctor has about your care or treatment with nurses and others.
- Information about you in your health insurer's computer system.
- Billing information about you at your clinic.
- Most other health information about you held by those who must follow this law.

The Law Gives You Rights Over Your Health Information

Providers and health insurers who are required to follow this law must comply with your right to:

- Ask to see and get a copy of your health records.
- Have corrections added to your health information.
- Receive a notice that tells you how your health information may be used and shared.
- Decide if you want to give your permission before your health information can be used or shared for certain purposes, such as for marketing.
- Get a report on when and why your health information was shared for certain purposes.
 - If you believe your rights are being denied or your health information isn't being protected, you can:
 - File a complaint with your provider or health insurer & with the U.S. Government
www.hhs.gov/ocr/hipaa

You should get to know these important rights, which help you protect your health information. You can ask your provider or health insurer questions about your rights. You also can learn more about your rights, including how to file a complaint, by going to www.hhs.gov/ocr/hipaa.



YOUR HEALTH INFORMATION PRIVACY RIGHTS

The Law Sets Rules and Limits on Who Can Look At/Receive Your Information

To make sure that your information is protected in a way that does not interfere with your health care, your information can be used and shared:

- For your treatment and care coordination.
- To pay doctors and hospitals for your health care and help run their businesses.
- With your family, relatives, friends or others you identify who are involved with your health care or your health care bills, unless you object.
- To make sure doctors give good care and nursing homes are clean and safe.
- To protect the public's health, such as by reporting when the flu is in your area.
- To make required reports to the police, such as reporting gunshot wound.

Your health information cannot be used or shared without your written permission unless this law allows it. For example, without your authorization, your provider generally cannot:

- Give your information to your employer.
- Use or share your information for marketing or advertising purposes.
- Share private notes about your mental health counseling sessions.

MEDICAL IDENTITY THEFT

Medical identity theft occurs when someone steals your personal information (like your name, Social Security number, or Medicare number) to obtain medical care, buy drugs, obtain insurance benefits, or submit fake billings to Medicare in your name. Medical identity theft can disrupt your life, damage your credit rating, and waste taxpayer dollars. The damage can be life-threatening to you if wrong information ends up in your personal medical records.

Some Signs of Medical Identity Theft

- A medical bill arrives for medical services you didn't receive.
- A call from a debt collector about a medical debt you don't know about or that you do not have.
- Medical collection notices on your credit report that you don't recognize.
- A notice from your health plan saying you reached your benefit limit.
- A denial of insurance because your medical records show a condition you don't have.

Protect Your Personal Information

- Guard your Medicare and Social Security numbers carefully. Treat them like you would treat your credit cards or bank account numbers. Never give your Medicare number over the phone or to anyone other than your medical provider or insurance company. Legiti-



- mate government agencies typically will never ask for this for information over the phone.
- Be suspicious of anyone who offers you free medical equipment or services and then requests your Medicare number. If it's free, they don't need your number!
- Do not let anyone borrow or pay to use your Medicare ID card or your identity. It's illegal and it's not worth it!
- If your Medicare card is lost or stolen, report it right away. Call Social Security at 1-800-772-1213 (TTY 1-800-325-0778) for a replacement.

Check All Your Medical Bills, Medicare Summary Notices, Explanation of Benefits, and Credit Reports

- Were you charged for any medical services or equipment that you didn't get?
- Are the services and charges correct?
- Does your credit report show any unpaid bills for medical services or equipment you didn't receive?
- Have you received any collection notices for medical services or equipment you didn't receive?

Report Medicare Fraud and Medical Identity Theft

- If you notice unusual or questionable charges, contact your health care provider. It may just be a mistake.
- If your complaint is not resolved by your provider, report the questionable charges to Medicare at 1-800-MEDICARE or go their website at www.medicare.gov.
- If you suspect you are a victim of Medical Identity Theft contact the SD Division of Consumer Protection at 800-300-1986 for further assistance.

CORRECTING MISTAKES IN YOUR MEDICAL RECORDS

Get Copies of Your Medical Records

If you know a thief used your medical information, get copies of your records. Federal law gives you the right to know what's in your medical files. Check them for errors. Contact each doctor, clinic, hospital, pharmacy, laboratory, health plan, and location where a thief may have used your information. A provider might refuse to give you copies of your medical or billing records because it thinks that would violate the identity thief's privacy rights. The fact is, you have the right to know what's in your file. If a provider denies your request for your records, you have a right to appeal.

Get an Accounting of Disclosures

Ask each of your health plans and medical providers for a copy of the "accounting of disclosures" for your medical records. The accounting is a record of who got copies of your records from the provider. The law allows you to order one free copy of the accounting from each of your medical providers every 12 months.

Ask for Corrections

Write to your health plan and medical providers and explain which information is not accurate. Send copies of the documents that support your position. Send your letter by certified mail, and ask for a "return receipt," so you have a record of what the plan or provider received. Keep copies of the letters and documents you send.

DEBT COLLECTORS & PRIVACY

A call from a collection agency is often the first sign of trouble for an identity theft victim.

The federal Fair Debt Collection Practices Act (FDCPA) applies to third party debt collectors. Under the Fair and Accurate Credit Transaction Act (FACTA), if you are contacted by a collection agency about a debt that resulted from the theft of your identity, the collector must so inform the creditor. You are entitled to receive all information about this debt — such as applications, account statements, late notices from the creditor — that you would be entitled to see if the debt were actually yours. In addition, FACTA says that a creditor, once notified that the debt is the work of an identity thief, cannot sell the debt or place it for collection.

The federal Fair Debt Collection Practices Act (FDCPA) sets the national standard for collection agencies. The FDCPA, enforced by the Federal Trade Commission (FTC), prohibits abusive collection tactics that harass you or invade your privacy. Public embarrassment and the prospect that your personal information might be shared with others are real concerns when dealing with a collection agency. The FDCPA includes provisions intended to safeguard privacy.

The FDCPA says discussions about the debt can only be held with (1) the individual, (2) the creditor, (3) an attorney representing one of the parties, and (4) a credit reporting agency. Public airing of your business intended to shame you into paying a debt is not allowed.

Debt collectors cannot:

- Exchange (with other agencies) information about individuals who allegedly owe a debt.
- Distribute a list of alleged debtors to its creditor subscribers.
- Advertise a debt for sale.
- Compile a list of debtors for sale to others.
- Leave messages with third parties, asking them to have the debtor call the collector.



QUICK REFERENCE CONTACTS

Credit Reporting – Security Freezes

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 19022-2000

Free Credit Reports

Form available at www.ftc.gov/credit. Fill it out and then mail to:
Annual Credit Report Request Service
PO Box 105281
Atlanta GA 30348-5281
www.annualcreditreport.com
1-877-322-8228

Medicare - Lost or Stolen Card (contact Social Security)

1-800-772-1213 (TTY 1-800-325-0778)

Medicare – Questionable Charges

1-800-MEDICARE
www.medicare.gov/

National Do Not Call Registry

1-888-382-1222
www.sddonotcall.com

OPT-OUT - Pre-Screened Offers of Credit

1-888-5-OPTOUT (567-8688)
www.optoutprescreen.com

Equifax
Options
PO Box 740123
Atlanta GA 30374-0123
www.equifax.com/home/en_us

Experian
Opt-Out
PO Box 919
Allen, TX 75013
www.experian.com

Transunion
Name Remove Option
PO Box 505
Woodlyn PA 19094
www.transunion.com

OPT-OUT – Direct Mailing Lists

Direct Marketing Association
Mail Preference Service
PO Box 643
Carmel NY 10512
www.dmaconsumers.org/consumerassistance.html

OPT-OUT – Unsolicited E-Mails

www.dmaconsumers.org/offemaillist.html

Social Security Statement of Earnings and Benefits

1-800-772-1213
www.socialsecurity.gov

Social Security Administration (SSA)

PO Box 177689
Baltimore MD 21235
1-800-269-0271 or 1-800-772-1213
www.ssa.gov

CREDIT REPORTING – FRAUD ALERTS

Equifax Fraud Dept
1-800-525-6285
www.equifax.com

Experian Fraud Dept
1-888-EXPERIAN (397-3742)
www.experian.com/fraud

TransUnion Fraud Dept
1-800-680-7289
www.transunion.com

FREE CREDIT REPORT CHECK-OFF LIST

Consumers are able to obtain one copy of their credit report from each of the three credit reporting agencies each year. Consumers may want to request these reports from each of the reporting agencies at the same time, or stagger the requests throughout the year.
(SEE PAGE 6 FOR MORE INFORMATION)

YEAR: _____

- Equifax Date Ordered _____
- Experian Date Ordered _____
- TransUnion Date Ordered _____

YEAR: _____

- Equifax Date Ordered _____
- Experian Date Ordered _____
- TransUnion Date Ordered _____

YEAR: _____

- Equifax Date Ordered _____
- Experian Date Ordered _____
- TransUnion Date Ordered _____

YEAR: _____

- Equifax Date Ordered _____
- Experian Date Ordered _____
- TransUnion Date Ordered _____

YEAR: _____

- Equifax Date Ordered _____
- Experian Date Ordered _____
- TransUnion Date Ordered _____

YEAR: _____

- Equifax Date Ordered _____
- Experian Date Ordered _____
- TransUnion Date Ordered _____

YEAR: _____

- Equifax Date Ordered _____
- Experian Date Ordered _____
- TransUnion Date Ordered _____

YEAR: _____

- Equifax Date Ordered _____
- Experian Date Ordered _____
- TransUnion Date Ordered _____

DATE OF REGISTRY

DO NOT CALL REGISTRY

(no renewal required)

OPT-OUT

Pre-Approved Credit Cards:

(renew every 5 years)

Direct Marketers:

MAIL: _____
(renew every 5 years)

E-MAIL: _____
(renew every 5 years)

SECURITY FREEZE

(renew every 7 years)



SOUTH DAKOTA OFFICE OF ATTORNEY GENERAL
DIVISION OF CONSUMER PROTECTION

1302 E Hwy 14 Ste 3 • Pierre SD 57501 — 605.773.4400 • 800.300.1986 (in-state only)

605.773.7163 (fax) • www.atg.sd.gov

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