PALEY ROTHMAN
ATTORNEYS AT LAW

Identity Theft: How to Respond Appropriately

Responding appropriately to Identity Theft is one of the most important steps you can do. It is important to know your rights and options and to take action quickly. There are different types of Identity theft and it is important to respond the appropriately to the specific Identity Theft exposure that you may face.

Financial Uses of Identify Theft

Step 1: Immediately call the fraud department of the merchant or credit card issuer and explain someone stole your identity. Ask them to freeze or close your account or the false account. Change all your logins, passwords and PINs.

Step 2: Place a fraud alert with one of the 3 credit reporting bureaus. It's free. The one will tell the others.

http://www.equifax.com/CreditReportAssistance/
1-888-766-0008

https://www.experian.com/fraud/center.html
1-888-397-3742

http://www.transunion.com/fraud-victim-resource/place-fraud-alert
1-800-680-7289

Get a copy of your free credit report from annualcreditreport.com, 1-877-322-8228, to identify accounts or transactions you do not recognize.

Step 3: Report your identity theft to the Federal Trade Commission, www.ftccomplaintassistant.gov, 1-877-438-4338. The FTC will then give you an Identity Theft Affidavit.

Step 4: File a report with your local police department and get a copy of the police report. The police report and FTC Identity Theft Affidavit will constitute your Identity Theft Report to show merchants.

- How do I repair the damage?

Financial Identity Theft

Step 1: Close all new accounts opened in your name with each merchant or credit card company. Ask the provider for a letter confirming closure, the fraudulent account was not yours, you are not liable for it and it was removed from your credit report. Keep a record of the person you spoke to at the merchant and be ready to provide your Identity Theft Report.

Step 2: Ask the fraud department at your real accounts to remove all fraudulent charges. Again, ask for a letter of confirmation and block the fraudulent transaction.

Step 3: Correct your credit report. Write to each credit reporting bureau with a copy of your Identity Theft Report and proof of identity.

Consider an extended 7 year Fraud Alert and credit freeze. These are free and can be removed by you anytime.

Tax-Related Identity Theft

After you have taken the steps outlined under Financial Uses, do the following:

Step 1: If you receive a notice from the IRS, follow the instructions given.

Step 2: Complete and file IRS Form 14039, Identity Theft Affidavit, then mail or fax it to the IRS along with proof of identity (e.g., a copy of your Social Security card, passport, or drivers' licenses).

Step 3: If the notice involves wages or amounts allegedly paid to you but not reported on your tax return notify the employer or provider in writing that your identity was stolen and you do not work for the employer or income payor.

Step 4: File your tax return and pay the taxes you do owe.

Be sure to keep copies of all correspondence with the IRS and others.

Step 5: If the above steps do not resolve the problem, contact the IRS for assistance at 1-800-908-4490.

Government Issued IDs

1. Social Security Number Misuse.
If your Social Security care is lost or stolen, apply for a new card online for free.

If someone has used your SS# or you think someone is using it for work, create an account at the Social Security Administration and check for errors in your history. If you find any, contact your local SS office.

2. Driver's license
If your license is lost or stolen, contact your issuing state's Department of Motor Vehicles and report it. The state may flag the license for improper or illegal use by someone else and issue you a replacement.

3. Passport
Call the State Department at 1-877-487-2778 immediately.

If you are about to travel within 2 weeks, make an in-person appointment at a Passport Agency or Center.

If you are not about to travel within 2 weeks, submit forms DS-11 and DS-644 in person at a Passport Application Acceptance Facility.

Criminal Identity Theft

Step 1: If you learn someone is arrested and uses your name or personal information, check court records and contact the law enforcement agency that arrested the thief. You may need to find out where the thief was arrested.

- File a report about the impersonation.
- Give copies of your fingerprints, photographs, and identifying documents
- Ask the law enforcement agency to:

    - compare your information to the imposter's
    - change all records from your name to the imposter's name (if you know it)
    - give you a "clearance letter" or "certificate of release" to declare your innocence

- Keep the clearance letter or "certificate of release" with you at all times
- Write down who you contacted and when.

Step 2: If a court prosecutes an identity thief using your name, contact the court where the arrest or conviction happened.

- Ask the state or district attorney for records to help you clear you name in court records.
- Provide proof of your identity.
- Ask the court for a "certificate of clearance" that declares you are innocent.
- Keep the "certificate of clearance" with you at all times.

Step 3: Contact your state Attorney General.

- Ask if your state has an "identity theft passport" (a tool you can use to resolve financial issues related to the identity theft) or some other special help for identity theft victims.
- If you get an identity theft passport, keep it with you at all times.

Step 4: Consider hiring a criminal defense lawyer.

Step 5: Ask the law enforcement agency that arrested the thief which information brokers buy their records.

- Write to the brokers. Ask them to remove errors from your file.
    - Information brokers buy criminal records and sell information to employers and debt collectors.
    - Write down who you contacted and when. Keep copies of any letters you send.

Bank Accounts Identity Theft
Did you find out or think someone opened a new bank account in your name? Here's what to do:

Step 1: Order a free copy of your ChexSystems report, which compiles information about your checking accounts by calling ChexSystems at 1-800-428-9623. Or visit their website consumerdebit.com. Then contact every financial institution where a new account was opened. Ask them to close the account.

Step 2: If someone is writing bad checks against your account, contact your financial institution.

- Ask them to stop payment on stolen checks and close your account.
- Ask them to report the theft to its check verification system. The check verification system will tell businesses to refuse the stolen checks.
- Also, contact any business that took the bad check. Explain that someone stole your identity theft. Act quickly, before they start collection action against you.

Step 3: Contact check verification companies. Report that your checks were stolen. Ask them to tell businesses to refuse the stolen checks.

Telecheck 1-800-710-9898
Certegy 1-800-237-3826

Step 4: If a business rejects your checks, ask the business for an explanation. The business must tell you what information led them to reject your check.

Medical Identity Theft

Step 1: If you think a thief used your personal information to get medical services, get copies of your records.

- Contact each doctor, clinic, hospital, pharmacy, laboratory, and health plan where the thief may have used your information. Obtain copies of medical records by completing the providers' records request forms and paying any fees required to get copies of your records.

Step 2: Review your medical records, and report any errors to your health care provider. You should:

- Write to your health care provider to report mistakes in your medical records.
- Include a copy of the medical record showing the mistake.
- Explain why this is a mistake, and how to correct it.
- Include a copy of your Identity Theft Report.
- Send the letter by certified mail, and ask for a return receipt.
    - Your health care provider should respond to your letter within 30 days. Ask the provider to fix the mistake and notify other health care providers who may have the same mistake in their records.

Step 3: Notify your health insurer.

- Send your Identity Theft Report to your health insurer's fraud department. Tell them about any errors in your medical records.

Step 4: If there are medical billing errors on your credit report, notify all 3 credit reporting agencies. Again, keep a record of who you contacted and spoke to as well as copies of all letters.

Investment Accounts Identity Theft
If someone attempts access to your investment accounts:

Step 1: Call your broker or account manager, and describe the situation.

Step 2: File a complaint with the Securities and Exchange Commission (SEC). You can call the SEC at 1-800-732-0330. Write down who you contacted and when. Keep copies of any letters you send.

Utilities Identity Theft
If an identity thief opened a new account to get telephone, cable, electric, water, or other similar services in your name, do the following:

Step 1: Contact the service provider.

- Tell them someone stole your identity.
- Ask them to close the account.

Step 2: For additional help, contact your state Public Utility Commission and explain the situation.

Step 3: For help with cell phone or telephone service, contact the Federal Communications Commission at 1-888-225-5322 or TTY 1-888-835-5322.

Bankruptcy Identity Theft

If you discover a thief has filed a bankruptcy action using your name or made a claim in your name, you should:

Step 1: Write to the U.S. Trustee in the region where the bankruptcy was filed. Describe the situation and provide proof of your identity because the U.S. Trustee refers cases of suspected bankruptcy fraud to the U.S. Attorneys for possible prosecution.

Step 2: Consider hiring an attorney. The American Bar Association or a local legal services provider can help you find a lawyer because an attorney can explain to the court that the bankruptcy filing was fraudulent.

Consider calling Paley Rothman at 301-656-7603 if you are in Maryland, DC, or Virginia for more assistance in responding to Identity Theft.

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