

Guaranteed Credit Deletion Toolkit



GUARANTEED DELETION

INDEX

TABLE OF CONTENTS	PAGE
1. EASY STEPS TO FOLLOW	3
2. PRIMARY TOOLS TO CORRECT CREDIT REPORT	4
3. VICTIM'S COMPLAINT AND AFFIDAVIT	10
4. SAMPLE DISPUTE LETTER	16

GUARANTEED CREDIT DELETION TOOL KIT

If you have ever been a victim of identity theft, there is a guaranteed way to have disputed accounts blocked or deleted from your credit report. The credit bureaus are, upon submission of the reports below, legally obligated to block the negative information. No further verification with the creditors is required.

EASY STEPS TO FOLLOW.

1. Obtain a copy of your credit report from all 3 credit bureaus: Experian, Equifax, and Transunion.
You may get these reports free by going to: www.annualcreditreport.com
2. Identify all disputed accounts and information on your credit report.
3. File a report indicating that you are a victim of identity theft for those accounts that don't belong to you. You can file one with the local police department, or online for some jurisdictions. For example, www.ranchocordovapd.com allows you to file and obtain a police report online. This is important because you need a police report number in your letter to the credit bureaus.
4. Complete the "Identity Theft Victim's Complaint and Affidavit." This step is not strictly necessary if you have a police report. You should also notarize this if you include it in your package to the credit bureaus.
5. Mail your dispute letter, as shown in the attached sample, to all three credit bureaus, along with the attachments noted in the sample.

The disputed accounts will be blocked within 7 days or less from appearing on your credit report. **GUARANTEED!** The Bureaus won't seek to verify account information. They will simply block the negative entries, and it won't appear on your credit report.

THAT'S IT. SHORT AND SWEET. KNOWLEDGE IS POWER.

II.B. The Primary Tools to Show That the Victim is Not Responsible for the Fraud and to Correct Credit Reports

Your client should be aware of the two primary tools for an identity theft victim to prove to creditors and other entities where the thief has committed fraud in her name that she is not responsible, and to correct her credit report: the **Identity Theft Affidavit** and the **Identity Theft Report**. Although their names and appearance are similar, these tools provide victims with significantly different rights.

A. The Identity Theft Affidavit

The Identity Theft Affidavit (Affidavit) is the primary tool for proving the victims' innocence to creditors and other entities where the thief has committed fraud in their names. It is a sworn statement that provides critical, detailed information in a comprehensive and standardized manner. It is widely accepted as a means for the victim to dispute fraud committed by the identity thief. Many of the sample dispute letters for consumers' use in [Appendix C](#) of this guide recommend enclosing an Identity Theft Affidavit.

The victim should check with each company where she intends to use the Affidavit as part of her dispute documentation to determine if it accepts the FTC's Identity Theft Affidavit, or if it requires the use of its own proprietary Affidavit.

The Identity Theft Affidavit is available at the FTC's website, at <http://www.ftc.gov/bcp/edu/resources/forms/affidavit.pdf>, and is at [Appendix D.6](#) of this guide. The victim can either print out a blank copy from the FTC's consumer education website and fill it out by hand, or file an online complaint with the FTC at <https://www.ftccomplaintassistant.gov/>, and print it out with most of the blanks filled in. Whether filling it out by hand or printing it from the FTC's online complaint system, the victim should first gather her information and provide as much detail as possible.

A completed Identity Theft Affidavit provides proof: 1) of the victim's identity; and 2) that she did not commit the frauds alleged in the Affidavit. However, it is understood that the victim may not know, and may have no way to ever determine, many of the facts and circumstances surrounding the crime. The victim should provide as much information as she is able to. A lack of knowledge about, for example, the perpetrator or how the information was stolen, should not be held against the victim or invalidate the Affidavit.

Some companies require that the victim's Affidavit be notarized. Before signing the Affidavit, the victim should find out if the company requires notarization, and if so, wait to sign it in the presence of a notary. The victim should be aware that signing the Affidavit potentially exposes her to criminal penalties for filing false information, since the information may be shared with law enforcement.

For the purpose of disputing a fraudulent account that does not present any complicating factors, the company should not require a police report in addition to the

Affidavit. If no police report is required, your client can leave blank the question regarding law enforcement. If the company does require a police report, your client should inquire as to the reason for the request. If the request seems justified, she should file a police report and fill in the Affidavit's section on law enforcement reports.

When filing the Affidavit with a particular company, the victim should consider redacting information related to accounts with any other companies. The victim should attach copies of her supporting documentation, as proof of her identity and to show that she is a victim of identity theft, and not the person who created the fraudulent accounts or transactions in her name. This would include copies of, for example:

- government-issued identification documents;
- utility bills or other documentation showing the victim's current address;
- a credit report marked-up to indicate which information is inaccurate as a result of identity theft; and
- any bills, collection letters, or other documents related to the fraudulent accounts or transactions.

B. The Identity Theft Report

The Identity Theft Report is the primary tool for removing inaccurate identity theft-related information from the victim's credit report. When the victim provides a qualifying Identity Theft Report and request to a CRA, the CRA under section 605B of the FCRA, is required to block the reporting of information resulting from identity theft from appearing in her credit report within four business days. The CRA also must notify the furnishers of the identity theft-related information (furnishers), who must subsequently cease reporting that information to the CRAs and cease selling the fraudulent debts for collection.

As defined in the FCRA, the Identity Theft Report is a report:

- (A) that alleges an identity theft,
- (B) that is a copy of an official, valid report filed by a consumer with an appropriate Federal, State, or local law enforcement agency, and
- (C) the filing of which subjects the person filing the report to criminal penalties relating to the filing of false information if, in fact, the information in the report is false.

FCRA Section 603(q)(4), 15 U.S.C. 1681a.

Under the authority provided to it by Congress, the FTC modified the definition in several important ways.¹ The FTC's Rule on Related Identity Theft Definitions requires the victim to provide as much specificity as possible, including:

- information about when the loss, theft, or misuse of her personal information occurred,
- any information about the perpetrator,
- the names of companies that furnished the information to the CRAs,
- account numbers for compromised or fraudulently opened accounts, and

† The FTC’s Rule on Related Identity Theft Definitions, 16 C.F.R. Part 603.3, 69 Fed. Reg. 63922 (11/03/04).

- any other information about the theft.

The FTC’s Rule also states that a CRA or furnisher may reasonably request additional information or documentation if the Report does not contain enough specificity for it to determine the validity of the alleged identity theft. 16 C.F.R. § 603.3(a)(3). Bear in mind that many identity theft victims do not know – and may never know – who stole or misused their personal information, how it was stolen, or other aspects of the crime. If the victim cannot provide these kinds of details, the police, CRAs, or furnishers should not consider the Identity Theft Report incomplete. For examples of reasonable requests for additional information, see the Commission’s Rule on Related Identity Theft Definitions at [Appendix E.12](#). 16 C.F.R. § 603.3(c)(1 - 4).

If the victim has obtained a detailed report from law enforcement, that document could serve as an Identity Theft Report. However, normally, a law enforcement report doesn’t contain enough detail to be considered an Identity Theft Report. To help law enforcement develop more detailed reports, the FTC’s Identity Theft Affidavit can be used to add detail to a police report. This puts the job of gathering and organizing the information about the crime on the party in the best position to obtain it, the victim.

An Affidavit that has been verified by the police and incorporated into or attached to the police report should contain sufficient detail to avert requests by CRAs or furnishers for additional information. An Identity Theft Report offers five major benefits to identity theft victims:

- *Blocking fraudulent information from appearing on a credit report:* By submitting an Identity Theft Report to a CRA, a victim can stop the CRAs from reporting information resulting from the identity theft on the victim’s credit report. The CRAs have up to four business days after they accept the Report to block the information. FCRA § 605B, 15 U.S.C. § 1681c-2.
- *Preventing a company from refurnishing fraudulent information to a CRA:* Once a CRA informs a furnisher that it has accepted a victim’s Identity Theft Report which states that the information the company furnished was caused by identity theft, the furnisher is prohibited from refurnishing that information to a CRA. FCRA § 623(a)(6)(A), 15 U.S.C. § 1681s-2 (a)(6)(A). The same prohibition on refurnishing fraudulent information to a CRA applies if the victim files her Identity Theft Report directly with the furnisher. FCRA § 623(a)(6)(B), 15 U.S.C. § 1681s-2 (a)(6)(B).

- *Preventing a company from selling or placing for collection bad debts that result from identity theft:* Once a CRA informs a furnisher that it has accepted a victim's Identity Theft Report which states that the debts the furnisher reported in the victim's name resulted from identity theft, the furnisher is prohibited from selling those debts to another company for collection. FCRA § 615(f), 15 U.S.C.

§ 1681m(f).

- *Placing an Extended Fraud Alert:* Consumers need an Identity Theft Report to place an extended 7-year fraud alert on their credit reports. FCRA § 605A(b), 15 U.S.C. § 1681c-1 (b). For purposes of obtaining an extended fraud alert, an Identity Theft Report with a simple allegation that identity theft occurred should be sufficient. Thus, victims can use police reports generated through automated systems, such as by telephone or computer, or the victim's Identity Theft Affidavit filed with the FTC. 16 C.F.R. § 603.3(c)(4).
- *Obtaining transaction documents from businesses:* Victims may obtain documents related to fraudulent transactions resulting from identity theft if they submit a police report, an FTC Identity Theft Affidavit (or other affidavit provided by the company), and proper proof of identification to the company where the fraudulent transaction occurred. FCRA § 609(e), 15 U.S.C. § 1681g(e). The statutory construction of section 609(e) is a bit unusual. While section 609(e)'s statutory language specifies a police report and an FTC or company-provided Identity Theft Affidavit, an Identity Theft Report that is comprised of an Identity Theft Affidavit attached to a police report, by definition, meets the section 609(e) requirements.

Police officers who participate in the FTC's nationwide online network of consumer complaints, called "Consumer Sentinel," can add the official police report number along with additional information about the Department to the complaint the victim filed with the FTC, which is stored in the Consumer Sentinel database. The officer can retrieve the victim's complaint from the FTC Consumer Sentinel database by searching for: a) the victim's Social Security number or their FTC Complaint Reference Number, plus b) one of four pieces of their personal information, such as name or phone number. The officer can then print the updated complaint. The police report and department-related information will be printed on the complaint the officer generates for the victim. There are signature blocks for the victim and the officer.

C. **What to do if the victim cannot get a police report or a copy of the police report**

As mentioned in Section I, some jurisdictions may refuse to take police reports from identity theft victims. In other jurisdictions, a police officer may be prohibited from giving the victim a copy of the official police report. If so, the victim may have to explore other options.

First, the victim can provide the official with a copy of the AMemorandum to Police on Importance of Taking Police Reports for Identity Theft,@ contained in [Appendix D.7](#). This document explains why an Identity Theft Report is critical for identity theft victims.

Second, the victim can check to see if the law in her state requires police to provide reports for identity theft victims. A map of the states that require the police to take reports from identity theft victims is available at www.theiacp.org/idsafety/map.

Third, the victim can seek to obtain a report from another jurisdiction, such as the jurisdiction where the thief misused her information, or from a different law enforcement agency, such as the state police.

Fourth, if the police do take the victim's report, but a) refuse or are unable by law to provide her a copy, or b) are only able to provide her with a basic police report bearing a simple allegation of identity theft, the victim should ask the officer to complete the police report number and department-related information in Question 20, and sign her Identity Theft Affidavit. At a minimum, she should ask for the information to complete Question 20 on her Affidavit. The Affidavit, with the report number and as much information in Question 20 completed as possible, and the basic police report, when available, attached, should satisfy the requirements of an Identity Theft Report

Fifth, if the victim cannot file a report in person, she should inquire about filing an "automated report" over the Internet or telephone. Some jurisdictions only provide identity theft victims automated police reports bearing a simple allegation that an identity theft occurred. Victims who file automated reports are often provided only a written confirmation of filing and a report number, if anything at all. If the victim is using an automated police report to support a request for blocking information from her credit report, the CRA or furnisher could reasonably ask the victim for a completed, notarized Identity Theft Affidavit. To forestall that request, it is suggested that victims write the automated police report number on their Identity Theft Affidavit and attach the automated report confirmation notice (if any). 16 C.F.R. § 603.3(c)(3).

Sixth, the victim can ask to file a Miscellaneous Incident Report in lieu of a police report. A Miscellaneous Incident Report is a document created by law enforcement to record non-criminal events or events that require no police action or follow up beyond the initial response. It is a report created for informational purposes only, does not generate a police report number, and is not entered as a crime report into databases used for tracking a department's crime statistics.

Seventh, if the victim cannot get any kind of police report from any law enforcement agency using the suggestions listed above, the victim can use her Identity Theft Affidavit filed with the FTC as an Identity Theft Report. In such a case, the victim should check the box under Question 23

indicating that she was unable to file any law enforcement report, and provide the FTC Complaint Number.

Background Information: In the Analysis of Comments published with the Final Rule on Related Identity Theft Definitions (69 FR 63927, Nov. 3, 2004), the Commission observed that the fact that some police departments will not take identity theft complaints, combined with the fact that most federal agencies use automated systems to take reports, means that excluding automated reports generated by federal agencies would unduly burden victims of identity theft. The Final Rule contemplates automated reports generated by the FTC's complaint system as being within the scope of the definition of an Identity Theft Report.

D. When the victim does not want to file a police report

There may be reasons a victim chooses not to obtain a police report, even though she cannot get the benefits of an Identity Theft Report without at least attempting to file a police report. Victims who do not want to file a police report cannot provide the CRAs with an Identity Theft Report. These victims should follow the dispute procedures under FCRA section 611, described in [Section III.B.](#)



Identity Theft Victim's Complaint and Affidavit

A voluntary form for filing a report with law enforcement, and disputes with credit reporting agencies and creditors about identity theft-related problems. Visit ftc.gov/idtheft to use a secure online version that you can print for your records.

Before completing this form:

1. Place a fraud alert on your credit reports, and review the reports for signs of fraud.
2. Close the accounts that you know, or believe, have been tampered with or opened fraudulently.

About You (the victim)

Now

- (1) My full legal name: _____
First Middle Last Suffix
- (2) My date of birth: _____
mm/dd/yyyy
- (3) My Social Security number: _____ - _____ - _____
- (4) My driver's license: _____
State Number
- (5) My current street address:

Number & Street Name Apartment, Suite, etc.

City State Zip Code Country
- (6) I have lived at this address since _____
mm/yyyy
- (7) My daytime phone: (____) _____
 My evening phone: (____) _____
 My email: _____

Leave (3) blank until you provide this form to someone with a legitimate business need, like when you are filing your report at the police station or sending the form to a credit reporting agency to correct your credit report.

At the Time of the Fraud

- (8) My full legal name was: _____
First Middle Last Suffix
- (9) My address was: _____
Number & Street Name Apartment, Suite, etc.

City State Zip Code Country
- (10) My daytime phone: (____) _____ My evening phone: (____) _____
 My email: _____

Skip (8) - (10) if your information has not changed since the fraud.

About You (the victim) (Continued)

Declarations

- (11) I did OR did not authorize anyone to use my name or personal information to obtain money, credit, loans, goods, or services — or for any other purpose — as described in this report.
- (12) I did OR did not receive any money, goods, services, or other benefit as a result of the events described in this report.
- (13) I am OR am not willing to work with law enforcement if charges are brought against the person(s) who committed the fraud.

About the Fraud

(14) I believe the following person used my information or identification documents to open new accounts, use my existing accounts, or commit other fraud.

Name: _____
 First Middle Last Suffix

Address: _____
 Number & Street Name Apartment, Suite, etc.

 City State Zip Code Country

Phone Numbers: (____) _____ (____) _____

Additional information about this person: _____

(14):
Enter what you know about anyone you believe was involved (even if you don't have complete information).

(15) Additional information about the crime (for example, how the identity thief gained access to your information or which documents or information were used):

(14) and (15):
Attach additional sheets as needed.

Documentation

(16) I can verify my identity with these documents:

- A valid government-issued photo identification card (for example, my driver's license, state-issued ID card, or my passport).
If you are under 16 and don't have a photo-ID, a copy of your birth certificate or a copy of your official school record showing your enrollment and legal address is acceptable.
- Proof of residency during the time the disputed charges occurred, the loan was made, or the other event took place (for example, a copy of a rental/lease agreement in my name, a utility bill, or an insurance bill).

(16): Reminder:
Attach copies of your identity documents when sending this form to creditors and credit reporting agencies.

About the Information or Accounts

(17) The following personal information (like my name, address, Social Security number, or date of birth) in my credit report is inaccurate as a result of this identity theft:

(A) _____

(B) _____

(C) _____

(18) Credit inquiries from these companies appear on my credit report as a result of this identity theft:

Company _____ Name: _____

Company _____ Name: _____

Company Name: _____

(19) Below are details about the different frauds committed using my personal information.

Name of Institution	Contact Person	Phone	Extension
Account Number	Routing Number	Affected Check Number(s)	
Account Type: <input type="checkbox"/> Credit <input type="checkbox"/> Bank <input type="checkbox"/> Phone/Utilities <input type="checkbox"/> Loan <input type="checkbox"/> Government Benefits <input type="checkbox"/> Internet or Email <input type="checkbox"/> Other			
Select ONE: <input type="checkbox"/> This account was opened fraudulently. <input type="checkbox"/> This was an existing account that someone tampered with.			
Date Opened or Misused (mm/yyyy)	Date Discovered (mm/yyyy)	Total Amount Obtained (\$)	

Name of Institution	Contact Person	Phone	Extension
Account Number	Routing Number	Affected Check Number(s)	
Account Type: <input type="checkbox"/> Credit <input type="checkbox"/> Bank <input type="checkbox"/> Phone/Utilities <input type="checkbox"/> Loan <input type="checkbox"/> Government Benefits <input type="checkbox"/> Internet or Email <input type="checkbox"/> Other			
Select ONE: <input type="checkbox"/> This account was opened fraudulently. <input type="checkbox"/> This was an existing account that someone tampered with.			
Date Opened or Misused (mm/yyyy)	Date Discovered (mm/yyyy)	Total Amount Obtained (\$)	

Name of Institution	Contact Person	Phone	Extension
Account Number	Routing Number	Affected Check Number(s)	
Account Type: <input type="checkbox"/> Credit <input type="checkbox"/> Bank <input type="checkbox"/> Phone/Utilities <input type="checkbox"/> Loan <input type="checkbox"/> Government Benefits <input type="checkbox"/> Internet or Email <input type="checkbox"/> Other			
Select ONE: <input type="checkbox"/> This account was opened fraudulently. <input type="checkbox"/> This was an existing account that someone tampered with.			
Date Opened or Misused (mm/yyyy)	Date Discovered (mm/yyyy)	Total Amount Obtained (\$)	

(19):
 If there were more than three frauds, copy this page blank, and attach as many additional copies as necessary.

Enter any applicable information that you have, even if it is incomplete or an estimate.

If the thief committed two types of fraud at one company, list the company twice, giving the information about the two frauds separately.

Contact Person: Someone you dealt with, whom an investigator can call about this fraud.

Account Number: The number of the credit or debit card, bank account, loan, or other account that was misused.

Dates: Indicate when the thief began to misuse your information and when you discovered the problem.

Amount Obtained: For instance, the total amount purchased with the card or withdrawn from the account.

Your Law Enforcement Report

(20) One way to get a credit reporting agency to quickly block identity theft-related information from appearing on your credit report is to submit a detailed law enforcement report (“Identity Theft Report”). You can obtain an Identity Theft Report by taking this form to your local law enforcement office, along with your supporting documentation. Ask an officer to witness your signature and complete the rest of the information in this section. It’s important to get your report number, whether or not you are able to file in person or get a copy of the official law enforcement report. Attach a copy of any confirmation letter or official law enforcement report you receive when sending this form to credit reporting agencies.

Select ONE:

- I have not filed a law enforcement report.
- I was unable to file any law enforcement report.
- I filed an automated report with the law enforcement agency listed below.
- I filed my report in person with the law enforcement officer and agency listed below.

(20):
Check “I have not...” if you have not yet filed a report with law enforcement or you have chosen not to. Check “I was unable...” if you tried to file a report but law enforcement refused to take it.

Automated report:
A law enforcement report filed through an automated system, for example, by telephone, mail, or the Internet, instead of a face-to-face interview with a law enforcement officer.

Law Enforcement Department State

Report Number Filing Date (mm/dd/yyyy)

Officer's Name (please print) Officer's Signature

Badge Number (____) Phone Number

Did the victim receive a copy of the report from the law enforcement officer? Yes OR No

Victim's FTC complaint number (if available): _____

Signature

As applicable, sign and date IN THE PRESENCE OF a law enforcement officer, a notary, or a witness.

(21) I certify that, to the best of my knowledge and belief, all of the information on and attached to this complaint is true, correct, and complete and made in good faith. I understand that this complaint or the information it contains may be made available to federal, state, and/or local law enforcement agencies for such action within their jurisdiction as they deem appropriate. I understand that knowingly making any false or fraudulent statement or representation to the government may violate federal, state, or local criminal statutes, and may result in a fine, imprisonment, or both.

Signature

Date Signed (mm/dd/yyyy)

Your Affidavit

(22) If you do not choose to file a report with law enforcement, you may use this form as an Identity Theft Affidavit to prove to each of the companies where the thief misused your information that you are not responsible for the fraud. While many companies accept this affidavit, others require that you submit different forms. Check with each company to see if it accepts this form. You should also check to see if it requires notarization. If so, sign in the presence of a notary. If it does not, please have one witness (non-relative) sign that you completed and signed this Affidavit.

Notary

Witness:

Signature

Printed Name

Date

Telephone Number

SAMPLE ID THEFT DISPUTE LETTER

Use this letter to dispute fraudulent accounts on your credit report.

Your Name
Your Current Address
City, State, Zip Code
SSN: Your Social Security Number
DOB: Your Date of Birth

Date

1 CERTIFICATE OF MAILING

Dispute Department
Credit Reporting Agency
Address
City, State, Zip Code

2 Re: Report Number _____

Dear Credit Reporting Agency:

I am an identity theft victim. I am writing to dispute the following items on my credit report. Each of the accounts and transactions I dispute were opened and made by the thief, not by me. I never authorized, used, or benefited from these accounts or transactions in any way:

3 I dispute the following accounts:

- ABC Credit Card, Account No. 12345678
- DEF Credit Card, Account No. 12345678
- XYZ Phone Company, Account No. 12345678

4 I also dispute the following addresses, where I have never lived:

- Wrong Address No. 1 • Wrong Address No. 2
City, State, Zip Code City, State, Zip Code

Attached is a completed ID Theft Affidavit and a Police Report. All the items I dispute are also circled on the attached copy of my credit report.

Please delete the disputed items from my credit report within four days as required by the Fair Credit Reporting Act.

Sincerely,

Your Name

5 Enclosures: Credit Report, ID Theft Affidavit, Police Report,

Cc: ABC Credit Card, DEF Credit Card, XYZ Phone Company

1 Make sure to mail your letter with a certificate of mailing and keep the proof of mailing for your records.

2 Fill in the report or file number of the report you want to dispute. You can usually find this information in the top right corner of your credit report.

3 List all the credit accounts that the identity thief opened in your name. For each account, write the creditor's name and the account number.

4 List all the incorrect addresses here.

5 Attach copies (not originals) of the completed ID Theft Affidavit and a police report to support your dispute. Also attach a copy of your credit report with all the disputed information circled or highlighted. You should also include proof of identity and address, such as a copy of your drivers license and a utility bill. List this evidence on the "Enclosure" line. Send a copy of your dispute to each creditor, and list their names on the "cc" line. Finally, always keep a copy of your dispute letter for yourself.