

PREVENTIVE LAW SERIES

FAIR CREDIT REPORTING ACT



Prepared by:
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WHAT IS THE FCRA?

The federal Fair Credit Reporting Act (FCRA) is a law that enforces accuracy, fairness and privacy of information in the files of every consumer credit reporting agency (CRAs). These CRAs are agencies that collect and sell information about you -- whether you pay your bills on time or have ever filed for bankruptcy -- to other creditors, employers, landlords and businesses. The FCRA gives you certain specific rights.

WHAT ARE MY RIGHTS?

1. **You must be told if information in your file is being used against you.** Anyone who uses your credit report to take action against you - such as denying a loan - must tell you AND give you the name, address and phone number of the CRA that provided your report.
2. **You can see what is in your file.** At your request, a CRA must give you a copy of your report and a list of everyone who has recently requested it. If you request your report within 60 days of someone taking action against you based on that report, there is no fee. You are also entitled to a free report every 12 months if you are a) unemployed but plan to look for work within 60 days, b) on welfare or c) your report is inaccurate due to fraud. Otherwise, a CRA may charge a small fee of up to \$8.
3. **You can dispute information in your report.** If you notify the CRA that your file is not accurate, the CRA must investigate the items within 30 days by giving the CRA's information source the evidence you submit (unless your dispute is frivolous). The source must then review your evidence and report back to the CRA (the source must also notify other national CRAs of any error). The CRA must give you a written report of the investigation and a copy of your report if the investigation results in any change to your report.
4. **You may attach a statement to your file.** If an investigation by the CRA does not resolve your dispute, you may attach a brief statement to your file, which the CRA must then include in future reports.
5. **Inaccurate information must be corrected or deleted.** A CRA must remove such information from your report, usually within 30 days after you dispute it.
6. **You can dispute an inaccurate item with the source of the information.** If you notify the source - such as a creditor who reports to a CRA - that you dispute an item, they may not report that item to a CRA without including a notice of your dispute.
7. **Outdated information cannot be reported!** A CRA may not report negative information about you that is more than 7 years old; 10 years for bankruptcies.
8. **Your consent is required for reports to employers.** A CRA cannot give out your information to an employer or prospective employer without your written consent. They also may not report medical information about you to anyone without your permission.

- 9. You can exclude your name from CRA lists for unsolicited credit and insurance offers.** If you call the CRA and orally request to be removed from the list, you must be kept off the list for 2 years. If you compete and return the CRA form provided for that purpose, you must be taken off the lists entirely.

WHAT IF MY FCRA RIGHTS ARE VIOLATED?

If a CRA, a user or in some cases, a provider (source) of CRA information violates the provisions of the FCRA, you may sue them in state or federal court. Your lawsuit will cite the violations of the relevant FCRA provisions, which can be found at 15 U.S.C. §§1681-1681u. You may have additional rights under your state's laws. Contact an attorney, a state consumer protection agency or the state attorney general's office to learn what your rights are.

LEGAL ASSISTANCE APPOINTMENTS:

For an appointment to see a legal assistance attorney, please contact the Legal Assistance Office, located in Building 610, Naval Air Station North Island, by telephone at (619) 545-6278.

RESOURCES:

Federal Trade Commission (Consumer Response Center) (202) FTC-HELP
Washington, DC 20580
www.ftc.gov
15 U.S.C. §§1681-1681u.

For Equifax CRA, their fraud report # is (800) 525-6285; their credit order report # is (800) 685-1111; their web site is www.equifax.com. Or write: P.O. Box 740250, Atlanta, GA 30374-0250. Order copy of report (\$8 in most states): P.O. Box 740241, Atlanta, GA 30374-0241, or ph # 1-800-997-2493.

For Experian CRA, their fraud report # is (888) EXPERIAN (397-3742); their credit order report # is the same. Their web site is www.experian.com. Or write: P.O. Box 949, Allen, TX 75013. Order copy of report (\$8 in most states): P.O. Box 2104, Allen TX 75013.

For Trans Union CRA, their fraud report # is (800) 680-7289; their credit order report # is (800) 916-8800; their web site is www.tuc.com. Or write: P.O. Box 6790, Fullerton, CA 92634. Order copy of report (\$8 in most states): P.O. Box 390, Springfield, PA 19064.