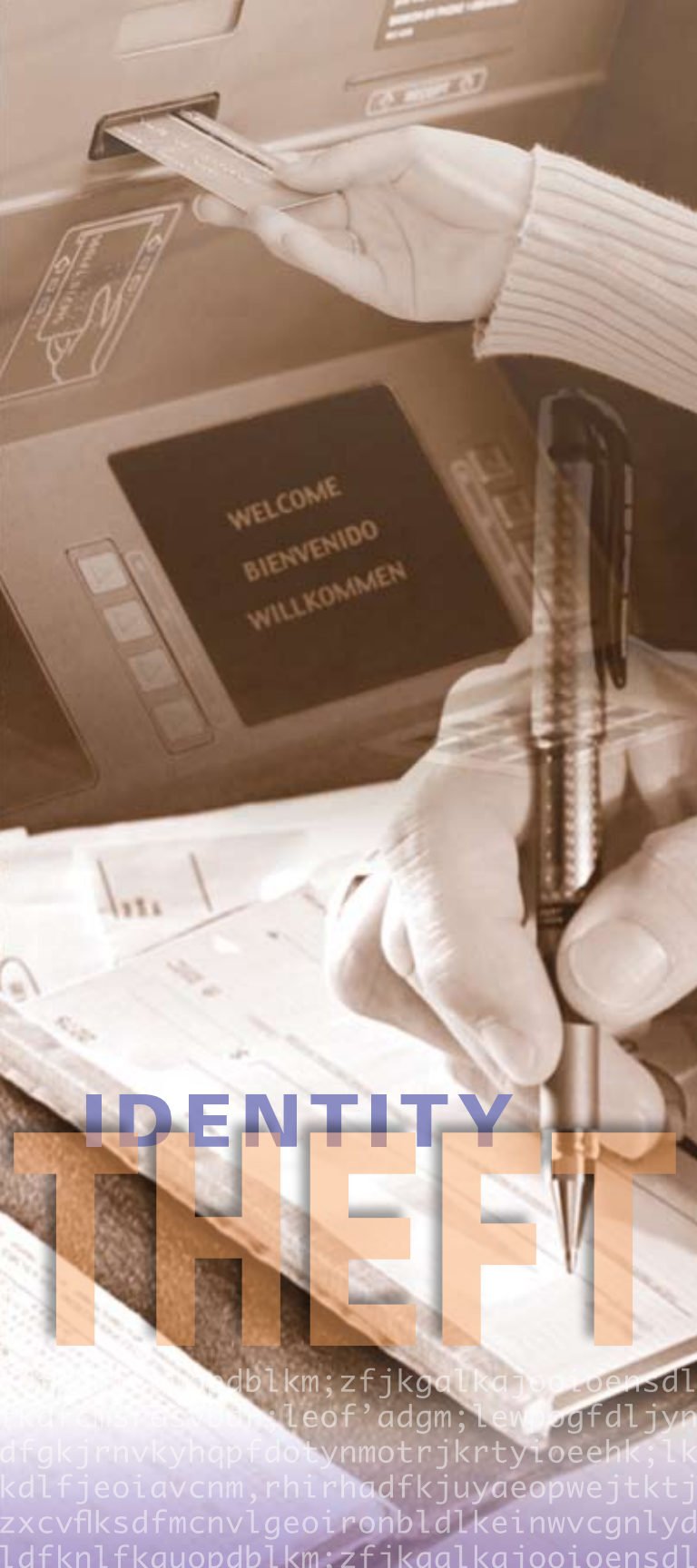

IDENTITY THEFT

CAPITOL OFFICE
STATE CAPITOL
ROOM 3048
SACRAMENTO, CA 95814
TEL (916) 651-4027
FAX (916) 327-9113

LONG BEACH OFFICE
115 PINE AVENUE
SUITE 430
LONG BEACH, CA 90802
TEL (562) 495-4766
FAX (562) 495-1876

PARAMOUNT OFFICE
16401 PARAMOUNT BLVD.
PARAMOUNT, CA 90723
TEL (562) 529-6659
FAX (562) 529-6662

California State Senate

SENATOR
ALAN LOWENTHAL
TWENTY-SEVENTH SENATE DISTRICT

TRANSPORTATION AND HOUSING
CHAIR

SUBCOMMITTEE ON CALIFORNIA PORTS AND GOODS MOVEMENT
CHAIR

BANKING, FINANCE AND INSURANCE

BUDGET AND FISCAL REVIEW

EDUCATION

LABOR AND INDUSTRIAL RELATIONS

NATURAL RESOURCES AND WATER

ENVIRONMENTAL QUALITY

Dear Friend,

Identity thieves find new ways to steal Social Security numbers, credit card numbers and other personal information from people just like you every day, and once they get their hands on your information, the nightmare begins.

Studies show it takes an identity theft victim an average of 330 hours and $2,671 in out-of-pocket expenses and lost wages to clean up their name and get their life back to normal.

Fortunately, Californians enjoy stronger legal protections against identity theft than people in any other state in the nation. The California Legislature has passed a number of laws that protect you. Yet passing new laws is only half the battle. The other half is making sure you know your rights and what steps you can and should take to protect yourself.

With that in mind, I encourage you to take the time to read this brochure to learn how you can dramatically lower your risk of becoming an identity theft victim.

Sincerely,

Senator Alan Lowenthal
Senator, 27th Senate District

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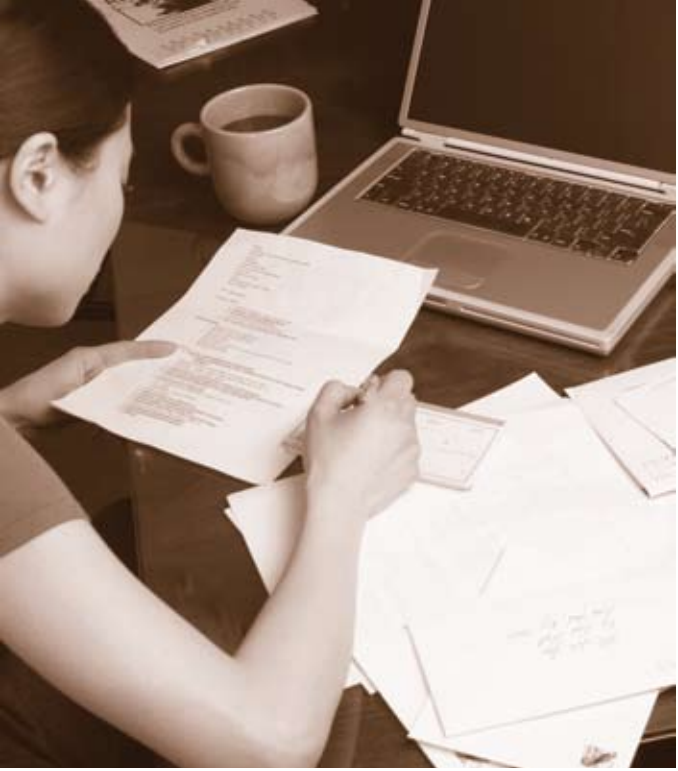
What is identity theft?

Identity theft happens when someone steals your name, your Social Security number and other personal information, and uses that information to get mortgages, car loans, credit cards and more while pretending to be you. They get the goods, and you get left with the bill. Sometimes identity thieves will even give your name and personal information when they're arrested for a crime, leaving you with a criminal record.

What are my rights?

The California Legislature has passed several laws designed to prevent identity theft:

- *Right to keep your Social Security number confidential* **Social Security numbers are the key to identity theft.** Until recently, health plans printed Social Security numbers on medical cards, colleges posted grades by Social Security number, and credit unions used Social Security numbers as checking and savings account numbers. That has all changed now with new California laws banning the use of Social Security numbers as public identifiers [SB 168 (Bowen), Statutes of 2001; SB 25 (Bowen), Statutes of 2003].



The following are specifically banned:

- Printing a Social Security number on an identification card or badge.
- Mailing documents containing Social Security numbers, unless the document is a form or application;
- Encoding a Social Security number on a card or document, such as in a computer chip, or magnetic strip;
- Requiring a person to send a Social Security number over the Internet, unless the connection is secure or the number is encrypted, and;
- Requiring a person to use a Social Security number to log onto a web site, unless a password is also used.

- *Right to early warning about breaches*

  In recent years, hundreds of millions of Americans have been exposed to identity theft because of computer hacking incidents, stolen laptops and other security breaches at corporations and government agencies. In California, you have the right to know when your Social Security number, credit card number or driver's license number is stolen from a business or government computer [AB 700 (Simitian), SB 1386 (Peace), Statutes of 2002]. With early warning, you can take steps to protect yourself before any damage is done.

- *Right to put the "Freeze" on identity thieves*

  Every Californian has the right to freeze access to their credit reports – the only truly effective way to foil identity thieves [SB 168 (Bowen), Statutes of 2001]. Once you freeze your credit reports, even if a criminal has your Social Security number, your risk of becoming an identity theft victim drops significantly, because banks can't pull the credit report or even see a credit score. That means the identity thief is denied credit and effectively foiled – no matter where they are in the U.S. and no

matter how many different times they apply for loans, credit cards, or anything else in your name. To find out how to freeze your credit reports, call the California Office of Privacy Protection's hotline at (866) 785-9663 or visit www.privacy.ca.gov/sheets/cis10securityfreeze.htm .

What steps should I take to protect myself?

- **Don't give out your Social Security number** if you can avoid it. Get in the habit of asking "Why?" if asked to give your Social Security number. Unless there's a clear reason to provide your Social Security number (e.g., you're applying for a loan or property rental), write "if needed" in the space for the Social Security number.

- **Monitor your bank and credit card accounts.** Check carefully for charges or withdrawals you didn't make and report them to your bank immediately.

- **Check your credit reports regularly.** You can order one free copy of your credit report every year from each of the three national credit reporting agencies, Experian, Equifax, and TransUnion. To make the best use of these, request one of the three reports every four months and check it for signs of identity theft, such as a change of address or a credit card you don't have.

EXPERIAN 888-397-3742
EQUIFAX 800-525-6285
TRANSUNION 800-680-7289

- **Shred** or tear up any papers containing personal information before recycling.
- **Opt Out Of Pre-Approved Credit Card Offers.** Mailboxes are full of them, and they're an easy target for identity thieves. Call 1-888-5OPTOUT (1-888-567-8688).
- **Consider freezing your credit reports** to stop identity thieves from getting approved for new loans and credit cards in your name. It's easy to unlock your credit report for your own use: You can do it by phone using the PIN you get when you first place the freeze. You can unlock it for a period of time or for a specific bank or business. To find out how to freeze your credit reports, call (866) 785-9663 or visit www.privacy.ca.gov/sheets/cis10securityfreeze.htm.

- **Watch out for scams,** especially phone calls, emails, and letters from people pretending to be your bank or credit card company and asking you to "verify" your account information. Never give out personal information to anyone over the phone or in an email unless you initiate the contact.
- **Act quickly at the first sign of identity theft.** If you discover fraud on your bank account, credit report or DMV record, report it to the police immediately and take the steps listed below.

What should I do if I become a victim?

Take these steps immediately if you discover you're a victim of identity theft:

1. ***File a police report with your local police department.*** Be sure to get a copy of your police report, because you will need to give copies of it to banks and credit reporting agencies to clear your name. For more information, visit the Identity Theft Resource Center at www.idtheftcenter.org/vg106.shtml .
2. ***Place a fraud alert on your credit reports.*** You can do this with one phone call. Pick any one of the toll-free numbers for the three major credit reporting agencies

and use the automated system to report your case and place fraud alerts on your credit reports. The other two agencies will be notified automatically. The fraud alert lasts 90 days and warns lenders to take extra measures to verify identity.

3. ***Order your credit reports and review them carefully.*** Once you place the fraud alerts (Step #2), you'll get a letter in the mail from each agency to confirm your fraud alert and to tell you how to order a free copy of your credit report, which you're entitled to as a victim. Review your reports carefully for more signs of fraud. Each credit report will have a phone number you can use to talk directly to a live person in the agency's fraud department, so you can report any fraudulent items on your report.

4. ***Fill out an Identity Theft Affidavit.*** The Federal Trade Commission's affidavit form is accepted by most financial institutions and can be found on the FTC's website at www.ftc.gov/bcp/conline/pubs/credit/affidavit.pdf.

You can also file a complaint of identity theft with the FTC at www.consumer.gov/idtheft. The FTC keeps a database of identity theft cases that is used by many law enforcement agencies.

5. *Close all accounts that have been compromised or opened fraudulently.* Contact every bank or business where you have an account that has been compromised or a new account fraudulently opened in your name by an identity theft. Ask to speak with someone in the security or fraud department. Document the date of your phone call, and follow up your call with a letter, including copies of your ID Theft Affidavit (Step #4), your police report (Step #1), and any other supporting documentation. Under California law, you have a right to request account information on fraudulent accounts to help you and the police track down the identity thief.

6. *Contact the three credit reporting agencies to clean up your credit report.* Itemize each account that has been compromised or opened fraudulently, and remind the agency that they're required by law to block or remove any

information on your credit report you identify as fraudulent. Include copies of your police report (Step #1) and your affidavit (Step #4). Send your letters by certified mail, return receipt requested, and keep a copy of each letter.

EQUIFAX
P.O. BOX 740241, Atlanta, GA 30374-0241

EXPERIAN
P.O. BOX 9530, Allen, TX 75013

TRANSUNION
P.O. BOX 6790, Fullerton, CA 92834

Instead of mailing a letter, you can also dispute items on your credit report online.

7. *Consider freezing your credit reports.* Remember, fraud alerts only send a warning to creditors, and won't stop an identity thief from being approved for a new loan or service in your name. If you freeze your credit reports, banks can't pull the report or even see a credit score and therefore won't approve new loans and credit cards in your name. To find out how to freeze your credit reports, call (866) 785-9663 or visit www.privacy.ca.gov/sheets/cis10securityfreeze.htm .

8. *If your driver's license or ID is stolen,* contact your local Department of Motor Vehicles (DMV) office to report it stolen and make an appointment to get a replacement. Ask for a fraud alert to be placed on your license. Once you've received your replacement, contact the DMV Fraud Hotline at (866) 658-5758 to report your case. For more information, visit the DMV at www.dmv.ca.gov/pubs/brochures/fast_facts/ffdl24.htm.

9. *If your mail was stolen or your address changed by an identity thief,* notify the Postal Inspector. Go to the Postal Inspection Service website to download the form or submit information online at www.usps.com/postalinspectors/mailthft/default.htm.

10. *If you are wrongly accused of a crime committed by an identity thief,* register with the California Identity Theft

Registry at www.caag.state.ca.us/idtheft/general.htm and see the Office of Privacy Protection's Information Sheet 8: "How to Use the California Identity Theft Registry - A Guide for Victims of 'Criminal' Identity Theft," available at www.privacy.ca.gov/cover/identitytheft.htm.

11. *If someone uses your Social Security number to get a job or claim unemployment benefits,* contact the California Employment Development Department's toll-free Fraud Hotline at (800) 229-6297. For more information, see their web site at www.edd.ca.gov. Also, contact the federal Social Security Administration's Fraud Hotline at (800) 269-0271.

A few tips:

- ✓ Follow up phone calls in writing
- ✓ Keep a detailed log of your calls
- ✓ Send letters by certified mail
- ✓ Save copies of all correspondence
- ✓ Keep track of your time and expenses

Where can I get more information?

This brochure is based on information from the following sources:

California Office of Privacy Protection
www.privacy.ca.gov
Toll free: (866) 785-9663

California Department of Justice
www.ag.ca.gov

Federal Trade Commission
www.consumer.gov/idtheft

Identity Theft Resource Center
www.idtheftcenter.org

Privacy Rights Clearinghouse
www.privacyrights.org

SENATOR ALAN LOWENTHAL

CAPITOL OFFICE
State Capitol, Room 3048
Sacramento, CA 95814
(916) 651-4027

DISTRICT OFFICES
16401 Paramount Blvd.
Paramount, CA 90723
(562) 529-6659

115 Pine Avenue, Suite 430
Long Beach, CA 90802
(562) 495-4766

senator.lowenthal@sen.ca.gov