

(4) Applicability

(A) Sections 1681n and 1681o of this title shall not apply to any violation of this subsection.

(B) This subsection shall be enforced exclusively under section 1681s of this title by the Federal agencies and Federal and State officials identified in that section.

(Pub. L. 90-321, title VI, § 605A, as added Pub. L. 108-159, title I, § 112(a), Dec. 4, 2003, 117 Stat. 1955; amended Pub. L. 111-203, title X, § 1088(a)(2)(C), July 21, 2010, 124 Stat. 2087; Pub. L. 115-174, title III, §§ 301(a), 302(d)(1), May 24, 2018, 132 Stat. 1326, 1334.)

Editorial Notes

REFERENCES IN TEXT

Section 1602(i) of this title, referred to in subsec. (h), was redesignated section 1602(j) of this title by Pub. L. 111-203, title X, § 1100A(1)(A), July 21, 2010, 124 Stat. 2107.

The Social Security Act, referred to in subsec. (i)(4)(C), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Part D of title IV of the Act is classified generally to part D (§ 651 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

AMENDMENTS

2018—Subsec. (a)(1)(A). Pub. L. 115-174, § 301(a)(1), substituted “1 year” for “90 days”.

Subsecs. (i), (j). Pub. L. 115-174, § 301(a)(2), added subsecs. (i) and (j).

Subsec. (k). Pub. L. 115-174, § 302(d)(1), added subsec. (k).

2010—Subsecs. (c)(1), (g). Pub. L. 111-203 substituted “the Bureau” for “the Commission”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-174, title III, § 301(c), May 24, 2018, 132 Stat. 1332, provided that: “The amendments made by this section [amending this section and section 1681t of this title] shall take effect on the date that is 120 days after the date of enactment of this Act [May 24, 2018].”

Amendment by section 302(d)(1) of Pub. L. 115-174 effective 1 year after May 24, 2018, see section 302(e) of Pub. L. 115-174, set out as a note under section 1681a of this title.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

EFFECTIVE DATE

Section subject to joint regulations establishing effective dates as prescribed by Federal Reserve Board and Federal Trade Commission, except as otherwise provided, see section 3 of Pub. L. 108-159, set out as an Effective Date of 2003 Amendment note under section 1681 of this title.

REGULATIONS

Pub. L. 108-159, title I, § 112(b), Dec. 4, 2003, 117 Stat. 1959, as amended by Pub. L. 111-203, title X, § 1088(b)(1), July 21, 2010, 124 Stat. 2092, provided that: “The Bureau shall prescribe regulations to define what constitutes appropriate proof of identity for purposes of sections 605A, 605B, and 609(a)(1) of the Fair Credit Reporting Act [15 U.S.C. 1681c-1, 1681c-2, 1681g(a)(1)], as amended by this Act.”

PUBLIC CAMPAIGN TO PREVENT IDENTITY THEFT

Pub. L. 108-159, title I, § 151(b), Dec. 4, 2003, 117 Stat. 1964, provided that: “Not later than 2 years after the date of enactment of this Act [Dec. 4, 2003], the Commission shall establish and implement a media and distribution campaign to teach the public how to prevent identity theft. Such campaign shall include existing Commission education materials, as well as radio, television, and print public service announcements, video cassettes, interactive digital video discs (DVD’s) or compact audio discs (CD’s), and Internet resources.”

[For definitions of terms used in section 151(b) of Pub. L. 108-159, set out above, see section 2 of Pub. L. 108-159, set out as a Definitions note under section 1681 of this title.]

§ 1681c-2. Block of information resulting from identity theft

(a) Block

Except as otherwise provided in this section, a consumer reporting agency shall block the reporting of any information in the file of a consumer that the consumer identifies as information that resulted from an alleged identity theft, not later than 4 business days after the date of receipt by such agency of—

- (1) appropriate proof of the identity of the consumer;
- (2) a copy of an identity theft report;
- (3) the identification of such information by the consumer; and
- (4) a statement by the consumer that the information is not information relating to any transaction by the consumer.

(b) Notification

A consumer reporting agency shall promptly notify the furnisher of information identified by the consumer under subsection (a)—

- (1) that the information may be a result of identity theft;
- (2) that an identity theft report has been filed;
- (3) that a block has been requested under this section; and
- (4) of the effective dates of the block.

(c) Authority to decline or rescind

(1) In general

A consumer reporting agency may decline to block, or may rescind any block, of information relating to a consumer under this section, if the consumer reporting agency reasonably determines that—

- (A) the information was blocked in error or a block was requested by the consumer in error;
- (B) the information was blocked, or a block was requested by the consumer, on the basis of a material misrepresentation of fact by the consumer relevant to the request to block; or
- (C) the consumer obtained possession of goods, services, or money as a result of the blocked transaction or transactions.

(2) Notification to consumer

If a block of information is declined or rescinded under this subsection, the affected consumer shall be notified promptly, in the same manner as consumers are notified of the reinsertion of information under section 1681i(a)(5)(B) of this title.

(3) Significance of block

For purposes of this subsection, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or money as a result of the block.

(d) Exception for resellers**(1) No reseller file**

This section shall not apply to a consumer reporting agency, if the consumer reporting agency—

(A) is a reseller;

(B) is not, at the time of the request of the consumer under subsection (a), otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and

(C) informs the consumer, by any means, that the consumer may report the identity theft to the Bureau to obtain consumer information regarding identity theft.

(2) Reseller with file

The sole obligation of the consumer reporting agency under this section, with regard to any request of a consumer under this section, shall be to block the consumer report maintained by the consumer reporting agency from any subsequent use, if—

(A) the consumer, in accordance with the provisions of subsection (a), identifies, to a consumer reporting agency, information in the file of the consumer that resulted from identity theft; and

(B) the consumer reporting agency is a reseller of the identified information.

(3) Notice

In carrying out its obligation under paragraph (2), the reseller shall promptly provide a notice to the consumer of the decision to block the file. Such notice shall contain the name, address, and telephone number of each consumer reporting agency from which the consumer information was obtained for resale.

(e) Exception for verification companies

The provisions of this section do not apply to a check services company, acting as such, which issues authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payments, except that, beginning 4 business days after receipt of information described in paragraphs (1) through (3) of subsection (a), a check services company shall not report to a national consumer reporting agency described in section 1681a(p) of this title, any information identified in the subject identity theft report as resulting from identity theft.

(f) Access to blocked information by law enforcement agencies

No provision of this section shall be construed as requiring a consumer reporting agency to prevent a Federal, State, or local law enforcement agency from accessing blocked information in a consumer file to which the agency

could otherwise obtain access under this subchapter.

(Pub. L. 90-321, title VI, § 605B, as added Pub. L. 108-159, title I, § 152(a), Dec. 4, 2003, 117 Stat. 1964; amended Pub. L. 111-203, title X, § 1088(a)(2)(C), July 21, 2010, 124 Stat. 2087.)

Editorial Notes**AMENDMENTS**

2010—Subsec. (d)(1)(C). Pub. L. 111-203 substituted “the Bureau” for “the Commission”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2010 AMENDMENT**

Amendment by Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

EFFECTIVE DATE

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§ 1681c-3. Adverse information in cases of trafficking**(a) Definitions**

In this section:

(1) Trafficking documentation

The term “trafficking documentation” means—

(A) documentation of—

(i) a determination that a consumer is a victim of trafficking made by a Federal, State, or Tribal governmental entity; or

(ii) by a court of competent jurisdiction; and

(B) documentation that identifies items of adverse information that should not be furnished by a consumer reporting agency because the items resulted from a severe form of trafficking in persons or sex trafficking of which the consumer is a victim.

(2) Trafficking Victims Protection Act of 2000 definitions

The terms “severe forms of trafficking in persons” and “sex trafficking” have the meanings given, respectively, in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(3) Victim of trafficking

The term “victim of trafficking” means a person who is a victim of a severe form of trafficking in persons or sex trafficking.

(b) Adverse information

A consumer reporting agency may not furnish a consumer report containing any adverse item of information about a consumer that resulted from a severe form of trafficking in persons or sex trafficking if the consumer has provided trafficking documentation to the consumer reporting agency.