

ORC Ann. 1349.521

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§ 1349.521 Security freeze on the protected consumer's credit report.

(A)

(1) A representative of a protected consumer may elect to place a security freeze on the protected consumer's credit report in the manner prescribed in division (B) of this section by making a request to a consumer credit reporting agency in writing by certified mail or other comparable service or by any secured electronic method authorized by the consumer credit reporting agency.

(2) A representative requesting a security freeze on a protected consumer's credit report shall provide to the credit reporting agency sufficient proof of authority and, for both the representative and the protected consumer, sufficient proof of identity.

(B)

(1) A consumer credit reporting agency shall place a security freeze on a credit report not later than thirty days after receiving a request pursuant to division (A)(1) of this section and the information required pursuant to division (A)(2) of this section.

(2) The consumer credit reporting agency shall send a written confirmation of the security freeze to the address associated with the protected consumer within five business days after placing the security freeze.

(C)

(1) If a consumer credit reporting agency does not have a credit report pertaining to a protected consumer when the consumer reporting agency receives a request under division (A)(1) of this section related to that protected consumer, the consumer credit reporting agency shall create a credit record for the protected consumer and place a security freeze upon the credit record in accordance with division (B) of this section.

(2) A credit record created under division (C)(1) of this section shall not be used to consider the protected consumer's credit worthiness, credit standing, credit capacity, character, general reputation, or personal characteristics.

(D) A consumer credit reporting agency shall remove a security freeze placed on a credit report only in the following cases:

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(1) If the credit report was frozen due to a material misrepresentation of fact by the protected consumer's representative. If a consumer credit reporting agency intends to remove a security freeze upon a credit report due to a material misrepresentation, the consumer credit reporting agency shall notify the protected consumer's representative in writing at least five business days prior to removing the security freeze on the credit report.

(2) A protected consumer's representative requests that the security freeze be removed. A protected consumer's representative shall provide all of the following when requesting that a security freeze be removed:

(a) Sufficient proof of identity for both the protected consumer and the protected consumer's representative;

(b) Sufficient proof of authority to act on the behalf of the protected consumer.

(3)

(a) Upon request of a protected consumer who has reached sixteen years of age.

(b) A consumer reporting agency shall develop a procedure by which a minor protected consumer, upon reaching sixteen years of age, may remove the security freeze created on the minor's behalf. The procedure shall, at a minimum, require the minor to provide sufficient proof of identity and age.

(E) A consumer credit reporting agency shall remove a security freeze within thirty days after receiving a request by certified mail or other comparable service, secure electronic method selected by the consumer credit reporting agency, telephone, or by any other means authorized by the consumer credit reporting agency for removal from a protected consumer's representative and of receiving the information specified in division (D)(2) of this section.

(F) A consumer credit reporting agency, when required by the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 1681g(c) to provide a summary of rights, or when providing the written confirmation required under division (B)(2) of this section, shall provide the following written notice:

The parent or guardian of a minor under the age of sixteen or the guardian or conservator of an incapacitated or protected adult, collectively referred to as a "protected consumer" may seek a security freeze to protect the identity of a protected consumer and ensure that credit is not inappropriately granted in the protected consumer's name. In order to request a security freeze for a protected consumer, the protected consumer's parent, guardian, or conservator must present sufficient proof of authority to act on the protected consumer's behalf. The parent, guardian, or conservator must also present sufficient proof of identity for the parent, guardian, or conservator, in addition to proof of identity for the protected consumer

In order for the representative of a protected consumer to request the removal of a security freeze of a protected consumer, the representative must contact the consumer credit reporting agency and provide all of the following:

(a) Sufficient proof of identity for both the protected consumer and the protected consumer's representative;

(b) Sufficient proof of authority to act on the behalf of the protected consumer.

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A minor protected consumer, upon reaching sixteen years of age, may also request that the security freeze be removed. A minor protected consumer making such a request must provide proof of identity and age.

A consumer credit reporting agency that receives a proper request by certified mail or other comparable service, secure electronic method selected by the consumer credit reporting agency, telephone, or by any other means authorized by the consumer credit reporting agency to remove a security freeze on a credit report shall comply with the request not later than thirty days after receiving the request.

A security freeze does not apply to circumstances in which a protected consumer already has an existing account relationship and a copy of the protected consumer's credit report is requested by the protected consumer's existing creditor or its agents or affiliates for certain types of account review, collection, fraud control, or similar activities.

If a protected consumer is actively seeking credit, it should be understood that the procedures involved in removing a security freeze may slow any applications for credit. Plan ahead and remove a freeze a month before actually applying for new credit.

(G)

(1) With regard to adult protected consumers, a consumer credit reporting agency may release a credit report on which a security freeze has been placed to the following:

(a) A person, or subsidiary, affiliate, or agent of that person, or an assignee of a financial obligation owing by the protected consumer, to that person, or a prospective assignee of a financial obligation owing by the protected consumer, to that person in conjunction with the proposed purchase of the financial obligation, with which the protected consumer has or had prior to assignment an account or contract, including a demand deposit account, or to whom the protected consumer issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument. For purposes of this paragraph, "reviewing the account" includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

(b) A person seeking to use the information contained in the consumer's credit report for the purpose of prescreening pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 1681 et seq.;

(c) Any person or entity for use in any of the following insurance purposes:

- (i)** Setting or adjusting a rate;
- (ii)** Adjusting a claim;
- (iii)** Underwriting.

(2) With regard to all protected consumers, a consumer credit reporting agency may release a credit report on which a security freeze has been placed to the following:

(a) Any state or local law enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, or subpoena;

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- (b) Any federal, state, or local governmental entity, agency, or instrumentality that is acting within the entity's, agency's, or instrumentality's authority;
- (c) A state or local child support enforcement agency;
- (d) A person seeking to use the information contained in the consumer's credit report for the purpose of prescreening pursuant to the "Fair Credit Reporting Act," 84 Stat. 1128 (1970), 15 U.S.C. 1681 et seq.;
- (e) Any person or entity administering a credit file monitoring subscription service to which the consumer has subscribed;
- (f) Any person or entity providing the protected consumer's representative with a copy of the protected consumer's credit report upon the representative's request;
- (g) Any person or entity for use in any of the following insurance purposes:
 - (i) Setting or adjusting a rate;
 - (ii) Adjusting a claim;
 - (iii) Underwriting.
- (h) Any person or entity acting to investigate fraud or acting to investigate or collect delinquent taxes or unpaid court orders provided those responsibilities are consistent with section 1681b of the "Fair Credit Reporting Act," 15 U.S.C. 1681 et seq.
- (i) An individual seeking to remove a security freeze under division (D)(3) of this section.

(H)

- (1) Except as provided in division (H)(2) of this section, a consumer credit reporting agency may charge a protected consumer's representative the following fees with regard to protected consumer security freezes:
 - (a) A consumer credit reporting agency may charge a protected consumer's representative a reasonable fee not to exceed five dollars for placing a security freeze on that protected consumer's credit report. If the protected consumer is a victim of a violation of section 2913.49 of the Revised Code, the consumer credit reporting agency shall not charge a fee to place a security freeze on that protected consumer's credit report, but that protected consumer's representative shall send a copy of the police report related to the violation of section 2913.49 of the Revised Code to the consumer credit reporting agency.
 - (b) A consumer credit reporting agency may charge a protected consumer's representative a reasonable fee not to exceed five dollars for removing a security freeze on that protected consumer's credit report if the protected consumer's representative elects to remove the security freeze on the consumer's credit report.
- (2) A consumer credit reporting agency shall not charge any fee to any of the following individuals:
 - (a) A protected consumer representative that represents a child in foster care;
 - (b) A minor protected consumer, or a minor protected consumer's representative, for whom a credit report already exists;
 - (c) An individual seeking to remove a security freeze under division (D)(3) of this section.

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(I) If a security freeze is in place, a consumer credit reporting agency shall not change any of the following official information in a credit report without sending a written confirmation of the change to the protected consumer's representative within thirty days of the change being posted to the protected consumer's file: name; date of birth; social security number; or address. Written confirmation is not required for technical modifications of a consumer's official information, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address.

(J) Divisions (K) to (P) of section 1349.52 of the Revised Code apply with regard to protected consumer security freezes in the same manner and with the same effect as security freezes provided for in section 1349.52 of the Revised Code.

History

2016 hb317, § 1, effective March 28, 2017.

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