

## Chapter ATCP 112

### CREDIT REPORT SECURITY FREEZES

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**Note:** Chapter ATCP 112 was created as an emergency rule eff. 1-19-07.

**ATCP 112.01 Definitions.** In this chapter:

- (1) "Consumer report" has the meaning given in 15 USC 1681a (d).
- (2) "Consumer reporting agency" has the meaning given in 15 USC 1681a (f).
- (3) "Proper identification" means information that is sufficient to confirm, with reasonable assurance, that an individual is who he or she claims to be.
- (4) "Security freeze" has the meaning given in s. 100.54 (1) (e), Stats.

**History:** CR 06-130: cr. Register September 2007 No. 621, eff. 10-1-07.

**ATCP 112.02 Proper identification to create a security freeze.** A consumer reporting agency may require proper identification of an individual who requests a security freeze under s. 100.54 (2) (a), Stats. Proper identification may include any of the following:

- (1) The individual's current full name, and prior names if any.
- (2) The individual's current address, and recent prior addresses if any.
- (3) The individual's social security number.
- (4) The individual's date of birth.
- (5) Copies of appropriate identifying documents, if justified under s. ATCP 112.04. Identifying documents may include documents authorized under 16 CFR 614.1.
- (6) Identifying information, readily known by the individual in whose name the security freeze is requested but not generally known by others, which the consumer reporting agency lawfully obtained before receiving the security freeze request.

**History:** CR 06-130: cr. Register September 2007 No. 621, eff. 10-1-07.

**ATCP 112.03 Proof of identity to release a credit report or remove a security freeze. (1)** A consumer report-

ing agency may require any of the following information from an individual as proof of identity for purposes of s. 100.54 (4) (a) 2. and (6) (a) 2., Stats.:

- (a) Any identifying information or identifying document that complies with s. ATCP 112.02.
- (b) Except as provided in sub. (2), a personal identification number, password, or other device or system that uniquely identifies the individual.
- (2) In no case may the consumer reporting agency use a device or system that requires the individual to provide identifying information that was not previously obtained by the consumer reporting agency.

**Note:** Subsection (2) does not prohibit the credit reporting agency from accepting new information from an individual who offers the information voluntarily. For example, when a credit reporting agency is unable to grant a request to suspend a freeze because the individual requesting the freeze cannot remember the password or provide other identifying information, the credit reporting agency may accept new information offered voluntarily by the individual for the purpose of establishing identity.

**History:** CR 06-130: cr. Register September 2007 No. 621, eff. 10-1-07.

**ATCP 112.04 Written procedures.** A consumer reporting agency shall adopt and implement written procedures for obtaining proper identification under s. 100.54 (2) (a) 2., (4) (a) 2., and (6) (a) 2., Stats. The procedures shall be consistent with this chapter and s. 100.54, Stats. The procedures shall do all of the following:

- (1) Enable the consumer reporting agency to confirm the identity of a requesting individual, so that the consumer reporting agency can correctly match the individual with his or her file.
- (2) Establish identification requirements that are commensurate with identifiable risks of harm related to possible misidentification of individuals.
- (3) Avoid requesting more information than necessary to confirm an individual's identity unless the information is necessary for payment purposes.

**History:** CR 06-130: cr. Register September 2007 No. 621, eff. 10-1-07.