

State law takes aim at Identity Theft

New protections go into effect Jan. 1

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Thieves intent on stealing your identity to do some after-holiday shopping will have a tougher time of it come New Year's Day.

That's when a new state law goes into effect to make it harder for criminals to snatch Social Security numbers.

The law bans companies, nonprofit groups and even government agencies in most cases from sending mailings containing Social Security numbers or from requiring Web site visitors to log in using Social Security numbers. It also forbids displaying Social Security numbers on most identification cards.

Later in the year, other aspects of the law kick in. Credit-reporting agencies will face new requirements for quickly honoring requests of consumers who don't want their information given out.

Consumers also will be able to apply for an "identity theft passport" to prove they have been victims, an important item when trying to clear up the mess left by identity thieves.

The changes will help prevent identity theft, which is a growing problem across the country, officials said.

"This is huge," said Mary Clement, director of the state's Consumer Affairs Division.

Karin Miller, communications director for the AARP of Tennessee, said the law would help reduce the growing identity theft problem here.

She said the AARP was instrumental in helping draft and pass the legislation, which was sponsored by House Majority Leader Gary Odom, a Nashville Democrat, and Sen. Raymond Finney, a Maryville Republican.

Patricia B. Lacey of Memphis was one of the AARP members who traveled to Nashville this past year to lobby legislators for the new law.

Criminals got the bank routing number and other information off one of her checks a year ago. They used the information to make counterfeit checks. Merchants went after Lacey when thousands of dollars in checks began to bounce.

"I had to go to the police department and bank," Lacey said. "That's where I stayed for weeks. I was either in the bank or the police department."

'Passports' to prove theft

The new law has no provision aimed at foiling that version of identity theft, but will help people like Lacey prove they are identity theft victims, not criminals.

Later this year, victims will be able to apply to local law enforcement agencies for an identity theft "passport" issued through the state attorney general's office.

Clement said Consumer Affairs would handle identity theft complaints and help consumers deal with the problems caused by identity theft. The statewide number to call is 1-800-342-8385 or 741-4737 locally.

The new law requires attorneys to handle civil documents such as divorce petitions differently, said Nashville attorney David Raybin, who represents identity theft victims, often by suing banks or businesses that were careless in handling customer information.

He said that in proceedings such as divorces, Social Security numbers must be filed separately so that court clerks can keep them confidential.

"People have been sweeping court documents for identification information such as Social Security numbers," he said. "This will help reduce that."

More protections urged

Raybin said no provisions were made in the law to remove Social Security numbers from documents in criminal cases, however. That area needs to be reviewed, he said.

The government needs to do more to protect all kinds of data it generates and stores, he said, noting that thieves stole computers this month from the Davidson County Election Commission containing voter information, including Social Security numbers.

"If I had that information and a person's credit card, I could go wild with that," Raybin said.

In conjunction with the new law, the legislature asked the comptroller's office to report by Feb. 1 on policy changes that state and local government should make to protect Social Security numbers from public disclosure, said Roxanna Pierce, spokeswoman for the comptroller's office.

Social Security numbers stolen from a college that Pamela Ziegler attended were used to open credit cards in her name, the Dresden resident said. She found out when bills started coming in from stores she had never set foot in. The thieves put almost \$4,000 on the cards.

"It was kind of scary actually at first because I would come home from work to check the mail and never knew what was going to be there," she said.

The law will give credit reporting agencies a short time frame — 15 minutes if the request is made by phone or Internet, three days if by mail — to freeze the credit report of a consumer who requests it.

The freeze will prevent the credit reporting agencies from releasing anything on a consumer's credit report, including a credit score, to a third party without the consumer's authorization.

Those provisions go into effect the second half of the year.