



# **Credit Freeze for Minors, Incapacitated, and Protected Individuals**

## **Statutes of Select States**

## State

### Proof of Authority & ID:

"Sufficient proof of authority" means documentation that shows a representative has authority to act on behalf of a protected person and includes:

- (a) A court order.
- (b) A lawfully executed and valid power of attorney.
- (c) A written, notarized statement signed by a representative that expressly describes the authority of the representative to act on behalf of a protected person.

6. "Sufficient proof of identification" means information or documentation that identifies a protected person or a representative of a protected person and includes:

- (a) A social security number or a social security card issued by the social security administration.
- (b) A certified or official copy of a birth certificate issued by the department of health services.
- (c) A driver license or a nonoperating identification license issued by the department of transportation pursuant to title 28, chapter 8 or any other government issued identification.

### Protected Consumer Defined Age

"Protected person" means an individual who is under sixteen years of age at the time a request for the placement of a security freeze is made or who is an incapacitated person or a protected person for whom a guardian or conservator has been appointed.

### Record

2. "Record" means a compilation of information to which all of the following apply:

- (a) The record identifies a protected person.
- (b) The record is created by a consumer reporting agency solely for the purpose of complying with this section.

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- (a) The record identifies a protected person.
- (b) The record is created by a consumer reporting agency solely for the purpose of complying with this section.

## Ways to Remove Credit Freeze

A security freeze that is placed on a protected person's record or credit report placed under this section remains in effect until either:

1. The protected person or the protected person's representative requests that the consumer reporting agency remove the security freeze pursuant to subsection F of this section.
2. The security freeze is removed pursuant to subsection J of this section.

F. To remove a security freeze for a protected person, the protected person or the protected person's representative shall submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency and pay a fee as prescribed in subsection H of this section. In addition:

1. If the protected person requested the removal of the security freeze, the protected person shall provide to the consumer reporting agency either of the following:
  - (a) Proof that the protected person's representative no longer has sufficient proof of authority to act on behalf of the protected person.
  - (b) Sufficient proof of identification of the protected person.
2. If the protected person's representative requested the removal of the security freeze on behalf of the protected person, the protected person's representative shall provide to the consumer reporting agency both of the following:
  - (a) Sufficient proof of identification of the protected person and the representative.

## Remove Freeze Due to Fraud

A consumer reporting agency may remove a security freeze for a protected person or may delete a protected person's record if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected person or the protected person's representative.

## Service Charge

A consumer reporting agency may charge a five dollar fee for each placement or removal of a security freeze on a protected person's record or credit report.

## Exemptions

L. This section does not apply to the use of a protected person's credit report or record by any of the following:

1. A person administering a credit file monitoring subscription service to which either:
  - (a) The protected person has subscribed.
  - (b) The protected person's representative has subscribed on behalf of the protected person.
2. A person providing the protected person or the protected person's representative with a copy of the protected person's credit report on the request of the protected person or the protected person's representative.
3. A check services or fraud prevention services company that issues either:
  - (a) Reports on incidents of fraud.

<u>State</u>	<u>Proof of Authority &amp; ID:</u>	<u>Protected Consumer Defined Age</u>	<u>Record</u>
<u>Kansas:</u>	<p>The term “sufficient proof of authority” means documentation that shows a representative has authority to act on behalf of a protected consumer, including any of the following:</p> <ul style="list-style-type: none"> <li>(1) An order issued by a court;</li> <li>(2) a lawfully executed and valid power of attorney; or</li> <li>(3) a written, notarized statement signed by a representative that expressly describes the authority of the representative to act on behalf of a protected consumer.</li> </ul> <p>(o) The term “sufficient proof of identification” means information or documentation that identifies a protected consumer or a representative of a protected consumer, including any of the following:</p> <ul style="list-style-type: none"> <li>(1) A social security number or a copy of a social security card issued by the social security administration; or</li> <li>(2) a certified or official copy of a birth certificate issued by the entity authorized to issue the birth certificate.</li> </ul>	<p>The term “protected consumer” means an individual who is:</p> <ul style="list-style-type: none"> <li>(1) Under the age of 16 years at the time a request for the placement of a security freeze is made under K.S.A. 2016 Supp. 50-725, and amendments thereto; or</li> <li>(2) an individual for whom a guardian or conservator has been appointed.</li> </ul>	<p>The term “record” means a compilation of information about a protected consumer that satisfies all of the following:</p> <ul style="list-style-type: none"> <li>(1) The compilation identifies the protected consumer; and</li> <li>(2) the compilation is created by a consumer reporting agency solely for the purpose of complying with K.S.A. 2016 Supp. 50-725, and amendments thereto.</li> </ul>

<u>Ways to Remove Credit Freeze</u>	<u>Remove Freeze Due to Fraud</u>	<u>Service Charge</u>	<u>Exemptions</u>
<p>(f) (1) If a protected consumer or a protected consumer's representative wishes to remove a security freeze for a protected consumer, the protected consumer or the protected consumer's representative shall:</p> <p>(A) Submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;</p> <p>(B) provide to the consumer reporting agency sufficient proof of identification of the protected consumer and:</p> <p>(i) For a request by the protected consumer, proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid; or</p> <p>(ii) for a request by the representative of a protected consumer, sufficient proof of identification of the representative and sufficient proof of authority to act on behalf of the</p>	<p>A consumer reporting agency may remove a security freeze for a protected consumer or delete a record of a protected consumer if such security freeze was placed or the record was created based on a material misrepresentation of a fact by the protected consumer or the protected consumer's representative.</p>	<p>A consumer reporting agency may charge a reasonable fee, not exceeding \$10, for each placement or removal of a security freeze for a protected consumer, except a consumer reporting agency shall not charge any fee under this section if:</p> <p>(A) The protected consumer's representative has obtained a police report or provided an affidavit of alleged fraud against the protected consumer and provides a copy of the report or the affidavit to the consumer reporting agency;</p>	<p>This section shall not apply to:</p> <p>(1) A person administering a credit file monitoring subscription service to which the protected consumer has subscribed or the representative of the protected consumer has subscribed on behalf of the protected consumer;</p> <p>(2) a person providing the protected consumer or the protected consumer's representative with a copy of the protected consumer's consumer report on request of the protected consumer or the protected consumer's representative; or</p> <p>(3) a person or entity listed in K.S.A. 2016 Supp. 50-722(i)(1) and (6) through (12)</p>

**State**

**Proof of Authority & ID:**

**Protected Consumer Defined Age**

**Record**

**Representative**

**New York:**

Sufficient proof of authority:  
(i) A court order that identifies or describes the relationship between the representative and the protected consumer;  
(ii) A valid and lawfully executed power of attorney that permits the representative to act on the protected consumer's behalf; or  
(iii) A written affidavit that the representative signs and has notarized in which the representative expressly describes the relationship between the representative and the protected consumer and the representative's authority to act on the protected consumer's behalf.

The term "protected consumer" means an individual who is under the age of sixteen years at the time a request for the placement of a security freeze is made.

If a consumer credit reporting agency does not have a file pertaining to a protected consumer when the consumer credit reporting agency receives a request under subdivision (a) of this section, the consumer credit reporting agency shall create a record for the protected consumer.

Representative" means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected person.

### Remove Freeze Due to Fraud

A consumer credit reporting agency shall remove a security freeze for a protected consumer, or delete a record of a protected consumer, if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer's representative.

### Service Charge

A consumer credit reporting agency may charge a reasonable fee, not exceeding fifteen dollars, for each placement or removal of a security freeze for a protected consumer as provided for in subparagraph (iv) of paragraph two of subdivision (a) or clause (C) of subparagraph (ii) of paragraph two of subdivision (f) of this section. A consumer credit reporting agency shall not charge a fee for any other service performed under this section.

### Exemptions

This section does not apply to: (1) A person administering a credit file monitoring subscription service to which: (i) the protected consumer has subscribed; or (ii) the representative of the protected consumer has subscribed on behalf of the protected consumer; (2) A person providing the protected consumer or the protected consumer's representative with a copy of the protected consumer's consumer credit report upon the request of the protected consumer or the protected consumer's representative; (3)(i) An entity listed in paragraphs three through eight of subdivision (m) of

**State**

**Proof of Authority & ID:**

**Oregon:**

sufficient proof of authority consists of:

- (i) A court order that identifies or describes the relationship between the representative and the protected consumer;
- (ii) A valid and lawfully executed power of attorney that permits the representative to act on the protected consumer's behalf; or
- (iii) A written affidavit that the representative signs and has notarized in which the representative expressly describes the relationship between the representative and the protected consumer and the representative's authority to act on the protected consumer's behalf.

**Protected Consumer Defined Age**

Protected consumer" means an individual who is:

- (a) Under the age of sixteen years old at the time a request for the placement of a security freeze is made pursuant to RCW 19.182.230; or
- (b) Incapacitated and for whom a guardian or limited guardian has been

**Record**

The protective record that the consumer reporting agency creates under paragraph (b) of this subsection does not need to contain any information other than the protected consumer's personal information, if other information for the protected consumer is not available.



## Ways to remove Credit Freeze

A security freeze for a protective record must remain in place until the protected consumer or a representative requests, using a point of contact the consumer reporting agency designates, that the security freeze be removed or that the protective record be deleted. The consumer reporting agency does not have an affirmative duty to notify the protected consumer or the representative that a security freeze is in place or to remove the security freeze or delete the protective record once the protected consumer is no longer a protected consumer. A protected consumer or a representative has the affirmative duty to request that the consumer reporting agency remove the security freeze or delete the protective record. A consumer reporting agency shall remove a security freeze or delete a protective record within 30 business days after receiving a request for removal or deletion from the protected consumer or a representative, who provides:

- (A) Proper identification;
- (B) Sufficient proof of authority, as described in ORS 646A.606 (Security freeze) (3)(b), if the representative seeks to remove the security freeze or delete the protective record;
- (C) Proof that the representative's authority to act on the protected consumer's behalf is no longer valid or applicable, if the protected consumer seeks to remove the security freeze or delete the protective record; and
- (D) A fee, if applicable. [2007 c.759 §5; 2013 c.415 §3]

## Remove Freeze

### Due to Fraud

A consumer reporting agency may not charge a fee to a consumer or a protected consumer who is the victim of identity theft or to a consumer who has reported or a protected consumer for whom a representative has reported to a law enforcement agency the theft of personal information, provided the consumer or the representative has submitted to the consumer reporting agency a copy of a valid police report, incident report or identity theft declaration.

(2)(a) A consumer reporting agency may charge a reasonable fee of not more than \$10 to a consumer, other than a consumer described in subsection (1) of this section, for each placement of a security freeze, temporary lift of the security freeze, removal of the security freeze or replacing a lost personal identification number or password previously provided to the consumer.

(b)(A) Except as provided in subsection (1) of this section and in subparagraph (B) of this paragraph, a consumer reporting agency may charge a reasonable fee of not more than \$10 to place or remove a security freeze for a protected consumer's consumer report or protective record or to create or delete a protective record for a protected consumer.

(B) A consumer reporting agency may not charge a fee to place or remove a security freeze on an existing consumer report or protective record for a protected consumer who is under 16 years of age at the time a representative requests the consumer reporting agency to place or remove the security freeze. [2007 c.759 §6; 2013 c.415 §4]

## Service Charge

## Exemptions

**State**

**Proof of Authority & ID:**

**Protected Consumer Defined Age**

**Record**

**Texas:**

(a) Documentation that shows a person has authority to act on behalf of a protected consumer is considered sufficient proof of authority for purposes of this subchapter, including:

- (1) an order issued by a court; or
- (2) a written, notarized statement signed by a representative that expressly describes the authority of the representative to act on behalf of a protected consumer.

(b) Information or documentation that identifies a protected consumer or a representative of a protected consumer is considered sufficient proof of identity for purposes of this subchapter, including:

- (1) a social security number or a copy of the social security card issued by the United States Social Security Administration;
- (2) a certified or official copy of a birth certificate issued by the entity authorized to issue the birth certificate;
- (3) a copy of a driver's license or identification card issued by the Department of Public Safety; or
- (4) any other government-issued identification.

"Protected consumer" means an individual who resides in this state and is younger than 16 years of age at the time a request for the placement of a security freeze is made.

"Record," with respect to a protected consumer, means a compilation of information identifying a protected consumer created by a consumer reporting agency solely to comply with this subchapter.

### Ways to Remove Credit Freeze

A security freeze on a protected consumer's consumer file or record remains in effect until:

- (1) the protected consumer or the protected consumer's representative requests that the consumer reporting agency remove the security freeze in accordance with Section 20.28; or
- (2) a consumer reporting agency removes the security freeze under Section 20.30.

Sec. 20.28. REMOVAL OF SECURITY FREEZE. (a) A protected consumer or a protected consumer's representative may remove a security freeze on a protected consumer's consumer file or record if the protected consumer or representative:

- (1) submits a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact of and in the manner specified by the consumer reporting agency;

- (2) provides to the consumer reporting agency:

- (A) in the case of a request by the protected consumer:

- (i) sufficient proof of identification of the protected consumer; and
- (ii) proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid; or

- (B) in the case of a request by the

representative of a protected consumer:

- (i) sufficient proof of identification of the protected consumer and the

representative; and (ii) sufficient proof of authority to act on behalf of the protected consumer; and

- (3) pays to the consumer reporting agency a fee as provided by Section 20.29.

### Remove Freeze Due to Fraud

A consumer reporting agency may remove a security freeze on a protected consumer's consumer file or record, or delete a record of a protected consumer, if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer's representative.

**State**                      **Proof of Authority & ID:**                      **Protected Consumer Defined Age**                      **Record**                      **Representative**

**Utah:**

(14) (a) "Sufficient proof of authority" means documentation that shows that a person has authority to act on behalf of a protected consumer.  
(b) "Sufficient proof of authority" includes:  
(i) a court order;  
(ii) a lawfully executed power of attorney; or  
(iii) a written, notarized statement signed by the person that expressly describes the person's authority to act on behalf of the protected consumer.  
(15) (a) "Sufficient proof of identification" means information or documentation that identifies a protected consumer or a representative.  
(b) "Sufficient proof of identification" includes:  
(i) a Social Security number or a copy of a Social Security card issued by the United

(10) "Protected consumer" means an individual who, at the time a request for a security freeze is made, is:  
(a) less than 16 years of age;  
(b) an incapacitated person; or  
(c) a protected person.  
(11) "Protected person" means the same as that term is defined in Section 75-5b-102.

"Record" means a compilation of information that:  
(a) identifies a protected consumer;  
(b) is created by a consumer reporting agency solely for the purpose of complying with this section; and  
(c) may not be created or used to consider the protected consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living.

Representative " means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.

### Remove Freeze Due to Fraud

A consumer reporting agency may remove a security freeze for a protected consumer or delete a record of a protected consumer if the security freeze was placed or the record was created based on a material misrepresentation of fact by the protected consumer or the protected consumer's representative

### Service Charge

. A consumer reporting agency may charge a reasonable fee, which does not exceed \$5, for each placement or removal of a security freeze under this part, unless:  
(a) the protected consumer's representative:  
(i) has obtained a police report that states the protected consumer is the alleged victim of identity fraud; and  
(ii) provides a copy of the report to the consumer reporting agency; or  
(b) (i) the protected consumer is less than 16 years of age at the time the request is submitted to the consumer reporting agency; and  
(ii) the consumer reporting agency has a file that pertains to the protected consumer.

### Exemptions

This part does not apply to the use of a protected consumer's credit report or record by: (1) a person administering a credit file monitoring subscription service to which: (a) the protected consumer has subscribed; or (b) the protected consumer's representative has subscribed on the protected consumer's behalf; (2) a person who, upon request from the protected consumer or the protected consumer's representative, provides the protected consumer or the protected consumer's representative with a copy of the protected consumer's credit report; (3) a check services or fraud prevention services company that issues: (a) reports on incidents of fraud; or (b) authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar payment methods; (4) a deposit account information service company that

State

Proof of Authority & ID:

Protected Consumer Defined Age

Record

Washington:

"Sufficient proof of authority" means documentation that shows a representative has authority to act on behalf of a protected consumer, including:

- (a) An order issued by a court of law;
- (b) A lawfully executed and valid power of attorney; and
- (c) A written, notarized statement signed by a representative that expressly describes the authority of the representative to act on behalf of a protected consumer.

(8) "Sufficient proof of identification" means information or documentation that identifies a protected consumer or a representative of a protected consumer, including:

- (a) A social security number or a copy of a social security card issued by the social security administration;
- (b) A certified or official copy of a birth certificate issued by the entity authorized to issue the birth certificate;
- (c) A copy of a driver's license, an identocard issued under RCW 46.20.117, or any other government-issued identification; or
- (d) A copy of a bill, including a bill for telephone, sewer, septic tank, water, electric, oil, or natural gas services, that shows a name and home address.

[ 2016 c 135 § 1.]

Protected consumer" means an individual who is:

- (a) Under the age of sixteen years old at the time a request for the placement of a security freeze is made pursuant to RCW 19.182.230; or
- (b) Incapacitated and for whom a guardian or limited guardian has been appointed.

"Record" means a compilation of information that:

- (a) Identifies a protected consumer;
- (b) Is created by a consumer reporting agency solely for the purpose of complying with RCW 19.182.230;

## Record Use for Credit Worthiness

May not be created or used to consider the protected consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living for any purpose listed in RCW 19.182.020.

## Ways to Remove Credit Freeze

- (5) A security freeze for a protected consumer placed in accordance with this section shall remain in effect until:
- (a) The protected consumer or the protected consumer's representative requests the consumer reporting agency to remove the security freeze in accordance with subsection (6) of this section; or
  - (b) The security freeze is removed in accordance with subsection (9) of this section.
- (6) If a protected consumer or a protected consumer's representative wishes to remove a security freeze for the protected consumer, the protected consumer or the protected consumer's representative shall:
- (a) Submit a request for the removal of the security freeze to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;
  - (b) Provide to the consumer reporting agency:
    - (i) In the case of a request by the protected consumer:
      - (A) Proof that the sufficient proof of authority for the protected consumer's representative to act on behalf of the protected consumer is no longer valid; and
      - (B) Sufficient proof of identification of the protected consumer;
    - (ii) In the case of a request by the representative of a protected consumer:
      - (A) Sufficient proof of identification of the protected consumer and the representative; and
      - (B) Sufficient proof of authority to act on behalf of the protected consumer; and
  - (iii) In any case, pay to the consumer reporting agency a fee as provided in this section.
- (7) Within thirty days after receiving a request that meets the requirements of subsection (6) of this section, the consumer reporting agency shall remove the security freeze for the protected consumer.