

## **Fair Credit Reporting Act**

Credit reporting errors in consumer's credit files with the Credit Reporting Agencies are rampant in America. The Federal Trade Commission did a study on credit errors and issued a report in 2013 which found that one in five consumers had an error on least one of their credit reports with Trans Union, Experian or Equifax.

[https://www.ftc.gov/news-events/press-releases/2013/02/ftc-study-five-percent-consumers-had-errors-their-credit-reports.](https://www.ftc.gov/news-events/press-releases/2013/02/ftc-study-five-percent-consumers-had-errors-their-credit-reports)

Credit reporting agencies have a difficult time protecting the massive amount of information they store and sell for a profit from criminal identity thieves. This was most evident when Equifax admitted that 147.9 million individuals were affected by a criminal hack to their system in the summer of 2017. Even when criminals are not involved the Credit reporting agencies have difficulty managing and organizing the massive amount of information they maintain, and their systems make errors.

Consumers that obtain and check their report frequently find they have a variety of errors in their credit files, including but not limited to the following:

- Accounts or personal information that do not belong to the consumer.
- Someone else's information is mixed up or mis-merged with the information from someone else's file (i.e. Father/Son-Sr./Jr.).
- Late payments are falsely reported.
- Re-insertion of previously deleted inaccurate information.
- A stale debt has been re-aged to make it appear newer and allow it to be reported longer.
- Multiple or duplicate entries for the same account.
- Inaccurate and inflated account balances reported.

- Inaccurate reporting of bankruptcy filings or related information.
- Collection or other adverse items that have been disputed but are not marked as disputed.

Congress determined that consumers needed protection in this ever-growing and increasingly important segment of society. Therefore, Congress enacted the **Fair Credit Reporting Act (FCRA)** to protect consumers by ensuring accuracy, fairness and the privacy of personal information maintained by credit reporting agencies such as Equifax, Trans Union and Experian. The FCRA governs the collection, dissemination, and use of consumer information, especially consumer credit information. Notably, this not only covers the credit reporting agencies themselves, but it also covers the businesses that furnish information to them and the users of information who make inquiries into customer's credit file and purchase reports prepared by credit reporting agencies. When this information is inaccurately stored, sold or reported to third parties, it can have serious consequences for the consumer. Inaccurate negative information can adversely affect a consumer's ability to qualify to buy a home, refinance their home when interest rates are low, rent an apartment, obtain credit cards on favorable terms, insurance at a fair rate, be hired for certain jobs, or even to get security clearance for promotions for certain employment positions.

The Credit Reporting Agencies as well as the furnishers and regular users of credit reports are wildly profitable with the current system. The big three CRAs are all multi-billion-dollar businesses and are motivated not to draw attention to this. Most of the other players in the credit reporting industry are multi-million-dollar businesses and even some of the biggest Banks are multi-trillion-dollar companies. It is in their interest to promote a false narrative that actual errors are rare, and false reports are mostly the result of thieves, criminals,

and other third-party bad actors. The credit reporting industry has even turned this narrative into a profit center by selling credit monitoring services and identity theft protection insurance.

Due to the rampant errors made by credit reporting agencies and the businesses that furnish information to them, consumers now must be proactive and check their credit files at least annually with each agency. Many consumers will find it helpful to take advantage of free credit monitoring services such as Credit Karma where you do not pay out of pocket but must deal with advertisements that help pay for the sites that many consumers may also find irritating.

Beyond credit monitoring services, we recommend that consumers also obtain a free copy of their complete credit file from each of the three largest credit reporting agencies (Equifax, Experian, Trans Union) at [www.annualcreditreport.com](http://www.annualcreditreport.com) at least annually. In Georgia, this can be done for free twice a year. In addition, you are also entitled to free copies of your credit reports whenever you are denied credit. With each report, you should review it for any inaccurate tradelines, public records, collection items, repossessions, late payments, or any other false or inaccurate information.

Each item that is not fully accurate should be disputed with every credit reporting agency who has it in their file. While disputes can be done online through each credit reporting agency's website, our firm has found for the purpose of record keeping and preservation of evidence, it is almost always to the consumer's advantage to send the dispute in writing and keep a signed copy of the dispute along with any documents you submit to credit reporting agency. It is also well worth a few extra dollars to send the disputes by certified mail with a domestic return receipt (Green Card) to ensure receipt of the dispute.

If you have disputed false, incomplete, or inaccurate information, and particularly if you have bolstered the dispute with supporting documentation, the credit reporting agency should send you confirmation that they completely fixed the error by correcting or deleting the information. Unfortunately the consumer reporting agencies often phone in their investigative obligations under the law. If the consumer reporting agency simply reaffirms the errant information or states that the furnisher of the information has reaffirmed the errant information without any reasonable investigation in response to your dispute, you should immediately have an experienced attorney review the matter. You may be the victim of an FCRA violation and may have an actionable claim.

Our firm has handled hundreds of these cases involving violations of the FCRA against all of the major credit reporting agencies (Equifax, Trans Union and Experian) as well as many cases against lesser-known agencies including but not limited to Innovis, NCTUE (National Consumer Telecom & Utilities Exchange, MIB, Inc. (Medical Information Bureau), Corelogic Credco, Telecheck Services, MicroBilt/PRBC, LexisNexis Risk Solutions.

We have also handled dozens of improper tenant and employment background screening cases including claims against, but not limited to Sterling Infosystems, Inc., Screening Reports, Inc, Backgroundchecks.com, General Information Services, Inc., Accurate Background Check, First Advantage Corporation, HireRight, Intellicorp, Real Page, Inc. (LeasingDesk).

We can help you to not only take the steps necessary to correct the errors found in your reports and we can also assure the accuracy of your consumer file so that you are able to obtain credit, jobs, or housing on a level playing field with others that have similar credit scores. But we often recover for our clients significant cash damages for being victimized by the credit reporting industry's

failures to maintain and report accurate information and refusal to investigate and correct errors.

If you feel that you have been victimized by errors contained in your consumer reports or have been unable to get them fixed after one or more disputes, please call us now to receive a 100% free telephone consultation with one of our experienced attorneys. Our attorneys, who collectively possess many decades of FCRA experience, will call on their experience and knowledge of this subject area to provide you with a thorough evaluation of your situation and help to guide you on a course of action geared at not only resolving the reporting errors that have prevented you from moving on with your life and which may have cost you significant time, energy and stress along the way, but also to recover financial damages for you for these losses.

We must be selective and cannot accept every case from every consumer who speaks with one of our attorneys. For instance, we typically decline cases where a consumer complains that their file contains negative information that is harmful to the consumer's ability to obtain credit but is in fact accurate. However, if after reviewing the facts of your case we agree to accept your FCRA case, we then become zealous advocates and our firm "puts our money where our mouth is" and typically seeks to recover our attorney fees from parties other than our clients. We make them pay and usually recover our fees only from the players in the credit reporting industry who have individually or collectively made you a victim. We also take the financial burden off your shoulders to fund the litigation by financing costs and expenses internally at the firm and we typically advance all the court and litigation costs that arise in pursuing these actions, often involves many thousands of dollars and in some cases tens of thousands of dollars.

\*\*\*Link to free consultation immediately after this last paragraph\*\*