

IC 24-5-24.5

Chapter 24.5. Security Freezes for Protected Consumers

IC 24-5-24.5-1

"Consumer"

Sec. 1. As used in this chapter, "consumer" means an individual whose principal residence is in Indiana.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-2

"Consumer report"

Sec. 2. As used in this chapter, "consumer report" has the meaning set forth in IC 24-5-24-2.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-3

"Consumer reporting agency"

Sec. 3. As used in this chapter, "consumer reporting agency" has the meaning set forth in IC 24-5-24-3.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-4

"Protected consumer"

Sec. 4. As used in this chapter, "protected consumer" means an individual who is:

- (1) less than sixteen (16) years of age; or
- (2) an incapacitated person (as defined in IC 29-3-1-7.5) for whom a court has appointed a guardian.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-5

"Record"

Sec. 5. As used in this chapter, "record" means a compilation of information that:

- (1) identifies a protected consumer;
- (2) is created by a consumer reporting agency solely for the purpose of complying with this chapter; and
- (3) is not created or used to consider the protected consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-6

"Representative"

Sec. 6. As used in this chapter, "representative" means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-7**"Security freeze"**

Sec. 7. As used in this chapter, "security freeze" means:

(1) if a consumer reporting agency does not have a consumer report pertaining to a protected consumer, a restriction that:

(A) is placed on the protected consumer's record in accordance with this chapter; and

(B) prohibits the consumer reporting agency from releasing the protected consumer's record except as provided under this chapter; or

(2) if a consumer reporting agency has a consumer report for the protected consumer, a restriction that:

(A) is placed on the protected consumer's consumer report in accordance with this chapter; and

(B) prohibits the consumer reporting agency from releasing the protected consumer's consumer report or any information derived from the protected consumer's consumer report except as provided in this chapter.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-8**"Sufficient proof of authority"**

Sec. 8. As used in this chapter, "sufficient proof of authority" means documentation that shows a representative has authority to act on behalf of a protected consumer and includes:

(1) an order issued by a court of law;

(2) a lawfully executed and valid power of attorney; or

(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.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-9**"Sufficient proof of identification"**

Sec. 9. As used in this chapter, "sufficient proof of identification" means information or documentation that identifies a protected consumer or a representative of a protective consumer and includes:

(1) a Social Security number or a copy of a Social Security card issued by the Social Security Administration;

(2) a certified or official copy of a birth certificate issued by an entity authorized to issue the birth certificate; or

(3) a copy of a valid state issued driver's license, a valid state issued identification card, or any valid government issued identification.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-10**Exceptions to application**

Sec. 10. This chapter does not apply to the use of a protected consumer's consumer 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 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 report on request of the protected consumer or the protected consumer's representative;

(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 issues reports regarding account closures due to fraud, substantial overdrafts, automated teller machine abuse, or similar negative information regarding a consumer to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution;

(5) an insurance company for the purpose of conducting its ordinary business;

(6) a consumer reporting agency that:

(A) acts only to resell credit information by assembling and merging information contained in a data base of another consumer reporting agency or multiple consumer reporting agencies; and

(B) does not maintain a permanent data base of credit information from which new credit reports are produced; or

(7) a consumer reporting agency's database or file that consists of the following information concerning, and used for, one (1) or more of the following, but not for credit granting purposes:

(A) Criminal record information.

(B) Fraud protection or detection.

(C) Personal loss history information.

(D) Employment, tenant, or individual background screening.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-11

Requirement to place security freeze; conditions; creating record

Sec. 11. (a) A consumer reporting agency shall place a security freeze on a protected consumer's consumer report if:

(1) the consumer reporting agency receives a request from the

protected consumer's representative for the placement of the security freeze under this section; and

(2) the protected consumer's representative:

(A) submits the request to the consumer reporting agency at the address or other point of contact and in the manner specified by the consumer reporting agency;

(B) provides to the consumer reporting agency sufficient proof of identification of the protected consumer and the representative; and

(C) provides to the consumer reporting agency sufficient proof of authority to act on behalf of the protected consumer; and

(3) the protected consumer's representative pays to the consumer reporting agency a fee as provided in section 17 of this chapter.

(b) If a consumer reporting agency does not have a consumer report pertaining to a protected consumer when the consumer reporting agency receives a request under subsection (a), the consumer reporting agency shall create a record for the protected consumer.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-12

Placing security freeze

Sec. 12. Not later than thirty (30) days after receiving a request that meets the requirements of section 11(a) of this chapter, a consumer reporting agency shall place a security freeze for the protected consumer.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-13

Prohibited from releasing consumer report or record

Sec. 13. Unless a security freeze for a protected consumer is removed in accordance with section 16 of this chapter, a consumer reporting agency may not release:

(1) the protected consumer's consumer report;

(2) any information derived from the protected consumer's consumer report; or

(3) any record created for the protected consumer under section 11(b) of this chapter.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-14

Security freeze in effect until removed

Sec. 14. A security freeze for a protected consumer must remain in effect until:

(1) the protected consumer or the protected consumer's representative requests that the consumer reporting agency

remove the security freeze under section 15 of this chapter; or
(2) the security freeze is removed in accordance with section 16
of this chapter.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-15

Requirements to remove security freeze

Sec. 15. 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:

- (1) 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;
- (2) provide to the consumer reporting agency:
 - (A) in the case of a request by a protected consumer:
 - (i) 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
 - (ii) sufficient proof of identification of the protected consumer; 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) pay to the consumer reporting agency a fee as provided in section 17 of this chapter.

As added by P.L.65-2014, SEC.9. Amended by P.L.5-2015, SEC.54.

IC 24-5-24.5-16

Removing security freeze

Sec. 16. Not later than thirty (30) days after receiving a request that meets the requirements of section 15 of this chapter, the consumer reporting agency shall remove the security freeze for the protected consumer.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-17

Fees

Sec. 17. (a) Except as provided in subsection (b), a consumer reporting agency may not impose a fee for any service described in this chapter.

(b) A consumer reporting agency may charge a reasonable fee, not exceeding five dollars (\$5), for each placement or removal of a security freeze under this chapter.

(c) A consumer reporting agency may not charge a fee under this chapter if:

- (1) the protected consumer's representative:
 - (A) has obtained a police report or affidavit of alleged identity fraud against the protected consumer; and
 - (B) provides a copy of the report or affidavit to the consumer reporting agency; or
- (2) a request for the placement or removal of a security freeze is for a protected consumer who is less than sixteen (16) years of age at the time of the request and the consumer reporting agency has a consumer report concerning the protected consumer.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-18

Material misrepresentation of fact; removing security freeze or deleting record

Sec. 18. 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.

As added by P.L.65-2014, SEC.9.

IC 24-5-24.5-19

Severability

Sec. 19. The provisions of this chapter are severable as provided in IC 1-1-1-8(b).

As added by P.L.65-2014, SEC.9.