

title by Pub. L. 111-203, title X, § 1088(a)(1), July 21, 2010, 124 Stat. 2086.

Public Law 106-102, referred to in subsec. (e)(9)(A), is Pub. L. 106-102, Nov. 12, 1999, 113 Stat. 1338, as amended, known as the Gramm-Leach-Bliley Act. Subtitle A of title V of the Act is classified principally to subchapter I (§ 6801 et seq.) of chapter 94 of this title. For complete classification of this Act to the Code, see Short Title of 1999 Amendment note set out under section 1811 of Title 12, Banks and Banking, and Tables.

AMENDMENTS

2010—Pub. L. 111-203 substituted “the Bureau” for “the Commission” wherever appearing.

2003—Subsec. (a)(1). Pub. L. 108-159, § 115, substituted “except that—

“(A) if the consumer to whom the file relates requests that the first 5 digits of the social security number (or similar identification number) of the consumer not be included in the disclosure and the consumer reporting agency has received appropriate proof of the identity of the requester, the consumer reporting agency shall so truncate such number in such disclosure; and

“(B) nothing”
for “except that nothing”.

Subsec. (a)(2), (3)(C). Pub. L. 108-159, § 811(d), realigned margins.

Subsec. (a)(6). Pub. L. 108-159, § 212(a), added par. (6).

Subsec. (c). Pub. L. 108-159, § 211(c), amended subsec. (c) generally. Prior to amendment, subsec. (c) related to the summary of rights required to be included with disclosure to consumers by consumer reporting agencies.

Subsecs. (d), (e). Pub. L. 108-159, § 151(a)(1), added subsecs. (d) and (e).

Subsec. (f). Pub. L. 108-159, § 212(b), added subsec. (f).

Subsec. (g). Pub. L. 108-159, § 212(c), added subsec. (g).
1998—Subsec. (a)(3)(C). Pub. L. 105-347 added subpar. (C).

1996—Subsec. (a). Pub. L. 104-208, § 2408(e)(5)(A), in introductory provisions substituted “”, and subject to section 1681h(a)(1) of this title” for “and proper identification of any consumer”.

Subsec. (a)(1). Pub. L. 104-208, § 2408(a), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “The nature and substance of all information (except medical information) in its files on the consumer at the time of the request.”

Subsec. (a)(3). Pub. L. 104-208, § 2408(b), amended par. (3) generally. Prior to amendment, par. (3) read as follows: “The recipients of any consumer report on the consumer which it has furnished—

“(A) for employment purposes within the two-year period preceding the request, and

“(B) for any other purpose within the six-month period preceding the request.”

Subsec. (a)(5). Pub. L. 104-208, § 2408(c), added par. (5).
Subsec. (c). Pub. L. 104-208, § 2408(d)(1), added subsec. (c).

1994—Subsec. (a)(4). Pub. L. 103-325 added par. (4).

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-159 subject to joint regulations establishing effective dates as prescribed by Federal Reserve Board and Federal Trade Commission, except as otherwise provided, see section 3 of Pub. L. 108-159, set out as a note under section 1681 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-347 deemed to have same effective date as amendments made by section 2403 of Pub. L. 104-208, see section 7 of Pub. L. 105-347, set out as a note under section 1681a of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective 365 days after Sept. 30, 1996, with special rule for early compliance, see section 2420 of Pub. L. 104-208, set out as a note under section 1681a of this title.

SIMPLIFIED DISCLOSURE TO MAXIMIZE COMPREHENSIBILITY AND STANDARDIZATION

Pub. L. 104-208, div. A, title II, § 2408(e)(2), (3), Sept. 30, 1996, 110 Stat. 3009-438, 3009-439, provided that:

“(2) SIMPLIFIED DISCLOSURE.—Not later than 90 days after the date of enactment of this Act [Sept. 30, 1996], each consumer reporting agency shall develop a form on which such consumer reporting agency shall make the disclosures required under section 609(a) of the Fair Credit Reporting Act [15 U.S.C. 1681g(a)], for the purpose of maximizing the comprehensibility and standardization of such disclosures.

“(3) GOALS.—The Federal Trade Commission shall take appropriate action to assure that the goals of comprehensibility and standardization are achieved in accordance with paragraph (2).”

§ 1681h. Conditions and form of disclosure to consumers

(a) In general

(1) Proper identification

A consumer reporting agency shall require, as a condition of making the disclosures required under section 1681g of this title, that the consumer furnish proper identification.

(2) Disclosure in writing

Except as provided in subsection (b), the disclosures required to be made under section 1681g of this title shall be provided under that section in writing.

(b) Other forms of disclosure

(1) In general

If authorized by a consumer, a consumer reporting agency may make the disclosures required under¹ 1681g of this title—

(A) other than in writing; and

(B) in such form as may be—

(i) specified by the consumer in accordance with paragraph (2); and

(ii) available from the agency.

(2) Form

A consumer may specify pursuant to paragraph (1) that disclosures under section 1681g of this title shall be made—

(A) in person, upon the appearance of the consumer at the place of business of the consumer reporting agency where disclosures are regularly provided, during normal business hours, and on reasonable notice;

(B) by telephone, if the consumer has made a written request for disclosure by telephone;

(C) by electronic means, if available from the agency; or

(D) by any other reasonable means that is available from the agency.

(c) Trained personnel

Any consumer reporting agency shall provide trained personnel to explain to the consumer any information furnished to him pursuant to section 1681g of this title.

¹ So in original. Probably should be followed by “section”.

(d) Persons accompanying consumer

The consumer shall be permitted to be accompanied by one other person of his choosing, who shall furnish reasonable identification. A consumer reporting agency may require the consumer to furnish a written statement granting permission to the consumer reporting agency to discuss the consumer's file in such person's presence.

(e) Limitation of liability

Except as provided in sections 1681n and 1681o of this title, no consumer may bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against any consumer reporting agency, any user of information, or any person who furnishes information to a consumer reporting agency, based on information disclosed pursuant to section 1681g, 1681h, or 1681m of this title, or based on information disclosed by a user of a consumer report to or for a consumer against whom the user has taken adverse action, based in whole or in part on the report² except as to false information furnished with malice or willful intent to injure such consumer.

(Pub. L. 90-321, title VI, § 610, as added Pub. L. 91-508, title VI, § 601, Oct. 26, 1970, 84 Stat. 1131; amended Pub. L. 104-208, div. A, title II, § 2408(e)(1), (4), (5)(B), Sept. 30, 1996, 110 Stat. 3009-438, 3009-439.)

AMENDMENTS

1996—Pub. L. 104-208, § 2408(e)(5)(B), inserted “and form” after “Conditions” in section catchline.

Subsec. (a). Pub. L. 104-208, § 2408(e)(1), inserted heading and amended text of subsec. (a) generally. Prior to amendment, text read as follows: “A consumer reporting agency shall make the disclosures required under section 1681g of this title during normal business hours and on reasonable notice.”

Subsec. (b). Pub. L. 104-208, § 2408(e)(1), inserted heading and amended text of subsec. (b) generally. Prior to amendment, text read as follows: “The disclosures required under section 1681g of this title shall be made to the consumer—

“(1) in person if he appears in person and furnishes proper identification; or

“(2) by telephone if he has made a written request, with proper identification, for telephone disclosure and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer.”

Subsec. (e). Pub. L. 104-208, § 2408(e)(4), inserted “or based on information disclosed by a user of a consumer report to or for a consumer against whom the user has taken adverse action, based in whole or in part on the report” before “except”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-208 effective 365 days after Sept. 30, 1996, with special rule for early compliance, see section 2420 of Pub. L. 104-208, set out as a note under section 1681a of this title.

§ 1681i. Procedure in case of disputed accuracy**(a) Reinvestigations of disputed information****(1) Reinvestigation required****(A) In general**

Subject to subsection (f), if the completeness or accuracy of any item of information

contained in a consumer's file at a consumer reporting agency is disputed by the consumer and the consumer notifies the agency directly, or indirectly through a reseller, of such dispute, the agency shall, free of charge, conduct a reasonable reinvestigation to determine whether the disputed information is inaccurate and record the current status of the disputed information, or delete the item from the file in accordance with paragraph (5), before the end of the 30-day period beginning on the date on which the agency receives the notice of the dispute from the consumer or reseller.

(B) Extension of period to reinvestigate

Except as provided in subparagraph (C), the 30-day period described in subparagraph (A) may be extended for not more than 15 additional days if the consumer reporting agency receives information from the consumer during that 30-day period that is relevant to the reinvestigation.

(C) Limitations on extension of period to reinvestigate

Subparagraph (B) shall not apply to any reinvestigation in which, during the 30-day period described in subparagraph (A), the information that is the subject of the reinvestigation is found to be inaccurate or incomplete or the consumer reporting agency determines that the information cannot be verified.

(2) Prompt notice of dispute to furnisher of information**(A) In general**

Before the expiration of the 5-business-day period beginning on the date on which a consumer reporting agency receives notice of a dispute from any consumer or a reseller in accordance with paragraph (1), the agency shall provide notification of the dispute to any person who provided any item of information in dispute, at the address and in the manner established with the person. The notice shall include all relevant information regarding the dispute that the agency has received from the consumer or reseller.

(B) Provision of other information

The consumer reporting agency shall promptly provide to the person who provided the information in dispute all relevant information regarding the dispute that is received by the agency from the consumer or the reseller after the period referred to in subparagraph (A) and before the end of the period referred to in paragraph (1)(A).

(3) Determination that dispute is frivolous or irrelevant**(A) In general**

Notwithstanding paragraph (1), a consumer reporting agency may terminate a reinvestigation of information disputed by a consumer under that paragraph if the agency reasonably determines that the dispute by the consumer is frivolous or irrelevant, including by reason of a failure by a consumer to provide sufficient information to investigate the disputed information.

² So in original. Probably should be followed by a comma.