

Disputing Inaccurate Information in a Credit Report

WARNING: This paper is for educational purposes only. It is intended as a general discussion of the subject matter and describes generally-accepted guidelines. It is not legal advice and no competent attorney could give legal advice without a thorough understanding of all information regarding your particular situation.

To promote accuracy in credit reports, the federal Fair Credit Reporting Act (“FCRA” or “Act”) permits consumers to dispute inaccurate information in their credit file. A lawyer who may represent you to enforce your rights under the FCRA should not prepare the letter to avoid being a witness in the case. Instead, we generally recommend that the consumer prepare and send his or her own dispute letter.

Preliminarily, three definitions are important.

- The “agency” or “CRA” is the credit reporting agency which possesses the data about you in a credit file and issues credit reports. The “Big Three” are Equifax, Experian, and TransUnion.
- The “furnisher” is the entity which provides information to the CRA, such as the bank which issued a credit card.
- A “user” is someone who accesses your report.

You first need to obtain your credit report. Once a year, you can obtain your credit report for free by making a request. The instructions to order the report online, by telephone, or by mail can be found at www.annualcreditreport.com. We recommend that you make your request in *writing*. Currently, the addresses are:

Equifax	Experian	TransUnion
P.O. Box 740256	P.O. Box 9554	P.O. Box 6790
Atlanta, Georgia 30374	Allen, Texas 75013	Fullerton, CA 92834

The reports have four main sections: your identity information including addresses and employers; information provided by furnishers; public record information; and inquiries from users.

Your dispute should be addressed to the CRA even if you dispute information provided by a furnisher. The CRA is required to conduct a “re-investigation” which, in the case of furnisher-supplied information, includes sending relevant information to the furnisher. Even though not required under the Act, the Federal Trade Commission recommends that you send a copy of the dispute to the furnisher.

Within 5 business days after receiving the dispute, the CRA can determine whether the dispute is frivolous or irrelevant or whether the letter fails to provide sufficient information to investigate the disputed information and notify you if that is its conclusion. If not, within 5 business days, it must provide the furnisher with all relevant information. Then, within 30 days after the dispute letter is received, the CRA must consider all relevant information and correct or delete any information found to be incorrect or which cannot be verified. Under certain

circumstances the 30 day period can be extended an additional 15 days. Also, within 5 business days after concluding the re-investigation, the CRA must send you notice of the results.

Our recommendations for dispute letters are that the letter be as complete and detailed as possible. We suggest the following as guidelines for a dispute letter:

1. Provide all identifying information about yourself including (a) your full name and any other names you have used, (b) your address; and (c) your Social Security Number.
2. Include all identifying information about the account which you are disputing. If there are multiple entries for the same account, be sure to explain this. (This can happen, for example, when an account is charged off and the furnisher assigns a new post-charge-off account number resulting in two numbers for one account.) Consider enclosing a copy of the page from your report with the disputed item circled.
3. Give as much detail as you can about why the information is inaccurate.
4. Explain how the inaccurate information is impacting you.
5. Describe all prior efforts to correct the information including dates of telephone calls and who you spoke with, as well as attaching any prior correspondence with the CRA and the furnisher. If applicable, include prior efforts to resolve this with the furnisher and, if there was a particular employee of the furnisher you want the information to be sent to, request that the CRA do so and provide as much identifying information about the employee as you can.
6. If you have previously disputed the same information and it has not been corrected, consider requesting a manual investigation pointing out that the previous automated investigation failed to correct the information.
7. Be specific about what you want the CRA to do.
8. Enclose copies (not originals) of all documents which support the information in your letter and, in the letter, describe what you enclosed.

Keep a copy of the letter and the enclosures. Also, retain all other records including notes of telephone calls with the CRA and the furnisher and, if you can, obtain your telephone records which corroborate dates and times of calls.

Send the letter to the address given in the credit report for sending disputes. Send by certified mail and keep all post office receipts.

You can send us a copy of your letter and any records you have. We prefer an electronically scanned copy. *Please understand, however, that sending us this information does not create a lawyer-client relationship and we will not represent you unless we have entered into a signed retainer agreement with you.*

[End]