

55 MARIETTA ST
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GeorgiaWatch



Don't forget to read all about Georgia Watch's continuing effort to bring justice to victims of medical malpractice. Georgia Watch is a regular contributor to the Drum Major Institute's Tort Deform blog, which focuses on the civil justice system.

We at Georgia Watch believe that this blog is a unique opportunity to share opinions, personal experiences, facts and statistics about one of the important consumer battles that we are fighting here in Georgia.

Some of you have already been reading and commenting on our blog posts. And you're not alone. The Drum Major Institute estimates that over 10,000 people per month read our posts. We encourage you to take advantage of this opportunity as well and give voice to your thoughts by commenting on the blog – or on other comments already posted. Check us out at TortDeform.com.

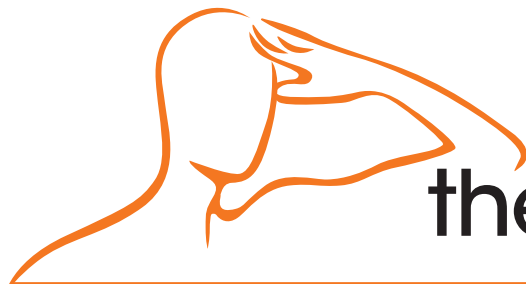
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**FOR QUESTIONS
REGARDING
theWATCHER**
CONTACT US BY
PHONE AT
(866) 33-WATCH
OR BY EMAIL AT
GEORGIAWATCH@
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GeorgiaWatch
IS OUTSPOKEN

This fall, Georgia Watch Executive Director Allison Wall made consumer workshop presentations to:

- North Perimeter Optimist Club
 - Climate Community Club
 - Atlanta NPU-W
 - Atlanta NPU-J
 - Conyers Rotary Club
 - Bainbridge Rotary Club
 - Northwest Business Association
 - Affordable Housing Conference
- You too can book Allison for a speaking engagement by calling Georgia Watch toll-free at **(866) 33-WATCH!**



REPORT EXAMINES CREDIT FREEZE LAWS

BY ALLISON WALL

This summer, Georgia Watch studied the issue of new account fraud and released research showing that credit freeze is the most efficient and effective way for consumers to fight back against identity thieves.

New account fraud occurs when an identity thief opens a new line of credit in a victim's name, most commonly in the form of charge cards, utility and cell phone accounts.

According to the Federal Trade Commission, identity theft is the fastest growing crime in the country and costs victims at least \$1,000 per incident.

Credit freeze locks a consumer's credit file, preventing any thief from opening a new account or line of credit before they go on an illegal shopping spree using your good



name.

As of October, an estimated 50,000 to 70,000 people have signed up for credit freezes, according to the *Wall Street Journal* and the Consumer Data Industry Association, a trade group that includes the three major credit reporting agencies.

Over the past three years, Georgia lawmakers have considered several credit freeze bills but have taken no action. Three bills introduced before the 2007 legislative session – House Bills 35, 38 and 130 – have

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2008 LEGISLATIVE PREVIEW

BY DANNY ORROCK

The 2008 Georgia General Assembly will be the second session of the two-year term, which typically makes for a more eventful 40 days. During this time, legislators try for substantive action on key issues before returning to their districts to run for re-election.

Water, tax reform, transportation and the budget are expected to take center stage, but we expect many important consumer issues to move forward as well.

Credit Freeze (HB 130)

Credit freeze allows consumers to lock down their credit reports, making it impossible for would-be thieves to open new accounts in the name of someone who has frozen their files.

Legislation on this issue was first introduced in 2005, but has yet to receive a vote. Testimony given in House hearings this summer and fall suggests that opposition to the bill has eroded significantly.

Much of the upcoming debate is likely to center on the fees credit reporting agencies can charge consumers who request a credit freeze, temporary thaw or permanent lift.

Georgia Watch has pushed for a fee of \$5 or less. House Bill 130 allows for a \$10 fee.

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CREDIT FREEZES IN GEORGIA

\$10: Minimum cost to freeze your credit through TransUnion, Experian and Equifax.

\$1: What it costs the credit reporting agencies to process a credit freeze.

900 percent: Mark-up that TransUnion, Experian and Equifax charge Georgia consumers per freeze.

\$0: What an initial credit freeze costs consumers in Indiana, Colorado, New Jersey and New York.

\$60: The cost for a married couple in Georgia to freeze their credit.

Source: Testimony provided by Dr. Eric Eisenstein of Cornell University to the Georgia State House Banks and Banking Committee, October 2007.

MEMBER SPOTLIGHT: OLA REYNOLDS

BY MAGGIE WHITE

After working with Ola Reynolds at two community events, we could tell that she holds her community close to her heart. We first met her at an ACORN financial education workshop, where she invited us to her community Neighborhood Planning Unit (NPU- G) meeting to talk about identity theft.

Widowed, Reynolds has lived in the Monroe Heights community in northwest Atlanta for more than 40 years. She was born in Browns, Ala., and has four sons and 13 grandchildren.

As the chair of NPU-G, Reynolds enjoys “bringing education to the neighborhood.” The members work on a wide range of community revitalization projects, such as improving area parks by planting flowers and shrubs, and working with

commercial developers to ensure the community is benefiting from new and planned developments.



Members of NPU-G agree on a “community benefits agreement” that insists on certain enhancements, such as the inclusion of affordable housing for residential developments. They are currently working on plans for a state-of-the-art senior center.

The bottom line for NPU-G is positive

growth and quality of life. Reynolds points out that, “If you don’t ask, you get what they want to give you. That’s not a community.” She firmly believes in the participation of every resident working as a team.

Reynolds also works on the betterment of children’s education in her community. She looks forward to better options for families in the form of charter schools and outreach programs for young parents. She said, “Now we have children having children, and since they didn’t get their basic education, there should be more programs for them.”

The consumer issue Reynolds believes most hurts her neighbors is abuse by financial lenders. Whether it’s a high interest title pawn loan or mortgage fraud, Reynolds has seen how lenders “aren’t being straight forward” and that her community is suffering the consequences.



2008 LEGISLATIVE PREVIEW CONTINUED FROM PAGE 1

Prior Approval for Auto Insurance (HB 867)

Nobody likes to pay more for car insurance, especially when rates go up suddenly. That’s why Georgia gave the insurance commissioner the authority to review rate changes by car insurers before they go into effect.

This review authority, called “prior approval,” will be challenged in the 2008 legislative session by House Bill 867. The bill would allow car insurers to increase rates without receiving approval from the insurance commissioner beforehand.

This bill was introduced at the end of last session and has been studied by the House Insurance Committee over the interim.

Supporters of HB 867 claim that prior approval restricts competition in the marketplace and makes car insurance more expensive.

However, Georgia’s premiums have steadily decreased in recent years. Also, Georgia already has a very competitive market, with many insurers buying ads to persuade drivers to switch their coverage.

UM Stacking (SB 276)

Expected to spark a debate in the House, Senate Bill 276 would give drivers what they pay for when they purchase uninsured/underinsured motorist (UM) coverage.

As the law currently stands, a consumer can only access a fraction of his or her total limit of UM coverage if they are

hit by a driver with a small amount of liability insurance.

SB 276 would permit consumers to “stack” their UM coverage on top of the at-fault driver’s liability insurance to cover a large claim.

As a result, drivers injured on the road through no fault of their own could access 100 percent of the supplemental coverage they had paid for, and would be far less likely to go into debt when medical bills are due.

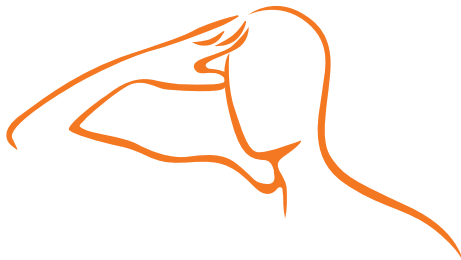
Payday Lending (HB 163)

In 2004, Georgia Watch supported legislation ending the predatory business of payday lending. The law has pushed these loan sharks across state lines, and has withstood state and federal court challenges.

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brings the total monthly fee to \$11 to \$17.

“Credit Freeze: Protecting Your Identity, Preventing New Account Fraud” can be found at www.GeorgiaWatch.org.



WARNING – FREE CREDIT REPORTS

Consumers wanting to monitor their credit report may be confused by commercials advocating the Web site www.freecreditreport.com, which promises a free copy of a consumer’s credit report. While the report is free, the service you must subscribe to in order to get the report is not. Read below for explainers on how to get your real free credit report.

www.annualcreditreport.com - FREE

Under state and federal law, Georgia consumers are entitled to two free credit reports from each of the three major reporting agencies every year – for a total of six free reports. Through this Web site, you can request your free report from any of the three agencies, any time – absolutely free of charge.

www.freecreditreport.com - NOT FREE

This Web site is run by credit reporting agency Experian. You must enroll in Experian’s Triple Advantage credit monitoring service, at a cost of \$14.95 per month, in order to get your Experian credit report through this site. You cannot request a credit report from Equifax or TransUnion through this site, making the information Experian provides incomplete.

GUARD YOURSELF AGAINST ILLEGAL GARNISHMENT

BY GUEST COLUMNIST PAUL KAUFFMANN

Imagine you are paid \$800 per month, an amount barely enough for you to cover rent, utilities and food for the month. You are lucky enough to be in relatively good health with few medical bills. Your check is automatically deposited in the bank on the first of each month.

Suddenly, a few days from payday, you receive a notice from the bank that your account has been frozen, and any money currently in the account -- as well as any money coming in over the next 30 days -- will eventually be turned over to a creditor from your distant past.

While you likely have a low balance already, you will not have any money next month to pay for rent, food and utilities.

How will you survive? Where will you go? What will you eat?

That is the dilemma of thousands of Georgians whose main source of income comes from the Social Security Administration or the Veteran’s

Administration (VA).

Consumers’ bank accounts can be garnished to pay off debts and, under Georgia law, everything in the account goes to the creditor.

However, some funds are exempt from garnishment and should be off-limits, including money received from the VA or Social Security.

Under Georgia law, the banks are responsible for determining which funds in a consumers’ account can be garnished, and which are exempt funds that cannot be garnished. If banks fail to make this determination and wrongly turn over exempt funds, consumers have legal rights to get the money back.

Can consumers do anything to stop garnishment of their VA and Social Security funds? Yes!

Bring your paperwork to a Legal Aid office. Consumers who go to court can get their money back, but expect a long wait of at least 30 days.

Talk to your bank and remind them that money received from the VA and Social Security should not be taken.

Talk to your local court clerks and ask them to change their forms to remind banks that they should not pay VA or Social Security money into court.

It’s a shame that people care so little for our veterans, elderly and disabled citizens that they will not look at their own records to protect what little income they have. If banks merely followed the law, these citizens’ income would be protected.

Paul Kauffman is the managing attorney for the Columbus office of Georgia Legal Services Programs, Inc. (GLSP), an organization that

provides legal services for low income persons in civil cases outside of Atlanta.



PAUL KAUFFMAN

ESTABLISHING OUR ROOTS

BY MAGGIE WHITE

The year 2007 has been one of rapid growth at Georgia Watch, between adding new consumer issues to our agenda, gaining three new employees and turning five years old.

We've hosted numerous consumer workshops both near and far, boosting our membership. In September, Allie, Holly and I spent several days in southwest Georgia with District Attorney Joe Mulholland, where we presented information about identity theft prevention and utility assistance at various community events. The seniors at the Bainbridge First Baptist Church shared with us a delicious buffet of home-cooked South Georgia food. We also met with a group of 150 community leaders at the Bainbridge Rotary Club. Last but not least, we spent an evening with a great group of folks from the Climax Community Club, where we discussed personal finance issues, and learned that consumers all over Georgia face the same challenges.

Back in Atlanta, we've had the pleasure of being the guest presenter at several ACORN workshops. ACORN, the nation's largest community organization

of low- and moderate-income families, works for social justice and stronger communities. Their accomplishments include successful campaigns for better housing, schools, neighborhood safety, health care, and more. ACORN hosts day-long community education workshops each month and offers valuable personal finance information for free. We are proud to be working with them and encourage you to learn more about the group by visiting their Web site at www.acorn.org or by calling (404) 525-1013.



ALLISON WALL TALKS TO LOCAL RESIDENTS AT A BAINBRIDGE ROTARY CLUB MEETING IN OCTOBER

Metro Atlanta NPUs, or Neighborhood Planning Units, often invite us to their monthly meetings to present on topics such as mortgage fraud, home and health insurance, identity theft and utility

assistance. This has proved to be a great opportunity for our organization to introduce ourselves to new communities, share our work and hear back from local leaders, such as community leader Ola Reynolds and Councilmember Felicia Moore.



ALLISON WALL EXPLAINS WAYS TO AVOID IDENTITY THEFT TO SENIORS AT THE BAINBRIDGE FIRST BAPTIST CHURCH

As always, if you are part of a group that would like to schedule a Georgia Watch representative as a guest speaker, we would be happy to join you.

Visit our Web site www.GeorgiaWatch.org for regularly updated feature stories on consumers like you. If you would like to share your experience with other Georgians, contact Maggie at mwhite@georgiawatch.org or toll-free at (866) 33-WATCH and tell us your story.

HOLLY LANG NAMED NEW COMMUNICATIONS COORDINATOR

BY JEANNINE LOWERY

Holly Lang grew up in Guyton, Ga., a small town about 35 miles outside Savannah. She attended Georgia State University, where she studied philosophy and print journalism. Lang has worked for a variety of publications, including the *Birmingham Post-Herald* and the *Associated Press*. As a journalist, she has traveled internationally and won several industry awards. She is also the author of four books, including two biographies. She is the founding editor of *Pine*, an online-only general interest news and arts magazine based in Atlanta. In August, she became the communications coordinator for Georgia Watch.

UTILITY ASSISTANCE

Community Action Agencies help low-income and older Georgians pay high electric and gas bills throughout the winter months. For more information about energy assistance programs, go to the Georgia Community Action Agency Web site at: http://www.gcaaonline.org/member_agencies.htm

Other resources for energy assistance in the Atlanta area include:

Salvation Army:
(404) 352-3597

St. Vincent De Paul:
(770) 458-9607

Sullivan Center:
(404) 753-0535

Buckhead Christian Ministry:
(404) 239-0038

NATHAN GAFFNEY TO BE FIRST COURT WATCH FELLOW

BY JEANNINE LOWERY

Nathan Gaffney, originally from Decatur, graduated Summa Cum Laude from Georgia State University with a degree in history and a minor in political science in spring 2006. He is currently a second year law student at GSU Law, is in the top 10 percent of his class and is a member of the *Law Review*. Gaffney became Georgia Watch's first Court Watch Fellow in July 2007. As the Court Watch Fellow, Gaffney analyzes and summarizes Georgia court opinions that involve consumer issues. Court Watch will publicly release an annual report with information about consumer cases and why these cases are significant. Court Watch's goal is to foster public awareness of the courts, what they do, and how they impact the law affecting consumers.

MISDIAGNOSED PATIENT DENIED DAY IN COURT

BY NATHAN GAFFNEY

Derek Canas was born in 1984 with a rare heart condition that required him to undergo surgery and receive multiple blood transfusions. Some of that blood was tainted with HIV, and as Canas grew, he began to display the symptoms of pediatric AIDS.



During the early 1990s, a pediatric cardiologist and a pediatrician who treated Canas failed to detect the disease, attributing his symptoms to his heart condition.

Over time, Canas developed additional symptoms consistent with pediatric AIDS. Neither doctor diagnosed Canas' true condition – despite the fact that the cardiologist saw him in 1996, 2000 and 2001, and the pediatrician continually saw Canas through 2000.

In 2001, at the age of 16, Canas was finally tested for and diagnosed with AIDS. That same year, he filed a medical malpractice suit against the two doctors.

In *Kaminer v. Canas*, the Supreme Court of Georgia dismissed Canas' lawsuit because the two-year statute of limitations for medical malpractice claims had expired by the time Canas had filed his claim.

But in this case, how is it possible for this young man to know the true nature of his symptoms and illness when his doctors continually failed

to diagnose his AIDS condition?

A statute of limitations works like an egg-timer for the courts: Once an incident happens, the clock starts ticking and you have to bring suit before the bell rings. If not, you lose your right to go to court.

Under Georgia law, the statute of limitations for a claim like Canas' starts on the date that the doctor first misdiagnoses the patient—not on the date that the misdiagnosis is actually discovered.

The Court said Canas' doctors first misdiagnosed him in the early nineties, meaning the two-year timer went off long before Canas knew about the misdiagnoses or even ended his treatment with those doctors.

According to the majority opinion in *Kaminer*, once a doctor has misdiagnosed symptoms and the patient continues treatment, the doctor cannot be held liable for continually failing to diagnose the true condition after the two-year period has passed.

It doesn't even matter how many additional or intensified symptoms the patient displays. The only exception would be if the doctor committed fraud.

The majority's interpretation of Georgia's statute of limitations is unfair for any patient treated by the same doctor over many years because they would have no way of knowing they had been misdiagnosed until their treatment had ended.

For this reason, other states like North Carolina have adopted the "continuous treatment doctrine," which prevents the running of the statute of limitations until the course of a patient's treatment with a doctor has ended.

Despite an opinion from the Georgia Court of Appeals that asked Georgia's General Assembly to consider

2008 LEGISLATIVE PREVIEW CONTINUED FROM PAGE 2

In the 2007 session, however, HB 163 was introduced to repeal this law and allow lenders to legally charge triple-digit interest rates on short-term loans. Georgia Watch twice helped defeat this bill on the House floor, but we expect the issue will be back again.

Despite studies in Georgia and other states showing that payday lending steals hundreds of millions of dollars from the pockets of working families, the industry insists that state regulation will make these transactions safe and fair.

However, experience in other states indicates that regulations are impossible to enforce.

Infection Reporting (SR 22, other possible bills)

Sen. Judson Hill (R-Marietta) sponsored Senate Resolution 22 to form a study committee on hospital infections. The measure stalled in the House Health and Human Services Committee last year, but will be eligible for action again in 2008.

Other bills, such as House Bill 628 sponsored by Rep. Donna Sheldon (R-Dacula), would require public reporting of infection rates by all hospitals. Georgia Watch has spoken to many legislators who agree that something should be done to get information on infection rates to the public.

Twenty states have passed laws requiring public reporting of infection rates. We hope to add Georgia to that list in 2008.



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FROM THE DIRECTOR'S CHAIR

GEORGIA WATCH CELEBRATES FIFTH ANNIVERSARY

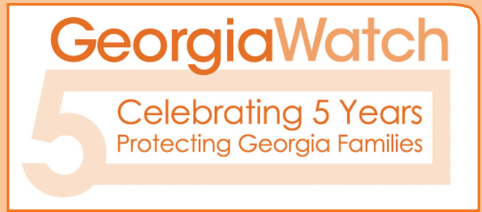
BY ALLISON WALL — EXECUTIVE DIRECTOR



Five years ago this month, the state's leading consumer watchdog group began with one employee, one computer and a one-room office.

From those first days, Georgia Watch has grown into a staff of six part-time and full-time employees. We added a logo, a web site and a used copier. We expanded our Board of Directors three-fold to include experts, a *New York Times* bestselling author and state leaders from both sides of the political aisle.

The year 2007 marks a time of remarkable achievement for our organization, and it's only fitting that this year also marks Georgia Watch's fifth anniversary.



For example, Georgia Watch launched a one-of-a-kind legal fellowship this year called "Court Watch," which will produce unique, in-depth research and analysis of rulings handed down by the state Supreme Court and Court of Appeals.

Many consumers don't realize that the decisions of our state's highest courts can have a dramatic impact on our lives and our rights.

Take the statewide ban on payday lending, which Georgia Watch supported during our first year at the General Assembly. For years after the payday law was signed in 2004, the payday loan industry fought back in court, appealing all the way to the state Supreme Court.

In a key decision this summer, the Supreme Court upheld the law, sending a clear message to payday lenders that interest rates higher than 60 percent won't be tolerated in Georgia, even if offered over the internet or in partnership with out-of-state banks.

As a result, predatory payday lending has all but disappeared across the state. And states such as Arkansas, Oregon and New Mexico are looking to Georgia's law as the gold standard of consumer protection.

Of course, the payday lenders will keep coming back to the state legislature for a "get out of jail free card." This will be one of our eight priority legislative issues for the 2008 legislative session – twice the number of issues in past years.

Whether working with lawmakers at the state capitol, or working with consumers one-on-one at workshops, education and outreach the focus of Georgia Watch work – true to our founding mission.

So, what do the next five years hold for Georgia Watch?

More research. This year, Georgia Watch has produced original research on topics such as new account fraud, the growing number of uninsured patients, and nonprofits Phoebe Putney Memorial Hospital and Grady Memorial Hospital. Similar research is already planned and underway, including a report on medical errors and mistakes in Georgia's emergency rooms.

More members. Hundreds of Georgia consumers like you support our work today. With your referrals and word of mouth, hundreds more will join our organization in years to come.

More Georgia Watch. The new Georgia Watch Foundation will help raise an endowment fund to guarantee more of this important education, advocacy, research and consumer assistance work, for the next generation of Georgia consumers.

Help us celebrate this five-year milestone by doubling your contribution to Georgia Watch today. Because Georgia Watch is a nonprofit, nonpartisan organization, every penny of your contribution is tax-deductible.

MISDIAGNOSED PATIENT CONTINUED FROM PAGE 3

incorporating the continuous treatment doctrine into current law, the legislature has not acted.

Meanwhile, Georgia's Supreme Court claims that a judicial adoption of the continuous treatment doctrine would amount to a "usurpation of the legislative function."

But if not the Court, then where will individuals like Canas turn when the legislature is unwilling to correct an unjust law?

HOSPITAL INFECTIONS ARE DANGEROUS AND COSTLY

1.2 million: Number of hospital patients infected with drug-resistant staph infections each year.

90,000: Number of people who die from hospital-acquired infections; higher than the number of deaths from motor vehicle accidents, breast cancer or AIDS.

30: Number of days that hospital-acquired infections increase the length of hospital stays.

\$3.2 to 4.2 billion: The cost to the US health system for treating hospitalized patients with drug-resistant staph infections.

Source: The Association for Professionals in Infection Control & Epidemiology (APIC)

CREDIT FREEZE LAWS
CONTINUED FROM PAGE 1

languished in the House Banks and Banking committee and are still eligible for action in the upcoming legislative session, which begins January 2008.

Thirty-nine states and the District of Columbia already allow credit freezes. Most states charge a fee to place a credit freeze, ranging from \$3 to \$10 per credit reporting agency – for a total fee of \$9 to \$30. But some states, including Texas, Indiana and Kansas, require no fee for a freeze, temporary thaw or lift.

In September, Cornell University economist Eric Eisenstein said in testimony before the House committee that credit freezes, temporary thaws and lifts only cost the credit reporting agencies \$1 to process. A \$10 fee for a service that only costs \$1 represents a 900 percent markup.

The Georgia Watch report, “Credit Freeze: Protecting Your Identity, Preventing New Account Fraud,” also compares recent efforts by Georgia lawmakers to enact credit freeze legislation with recent industry efforts to offer credit freezes nationwide.

Since October, the three major credit reporting agencies – TransUnion, Experian and Equifax – have offered credit freeze as a product in all 50 states for a fee. Even without a state law, Georgia consumers can purchase a credit freeze individually through each of the three agencies.

However, only a state law can guarantee the option of credit freeze at a charge that is affordable for everyone. For example, to access a credit freeze through Equifax, consumers must first purchase their monthly monitoring service, which

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CHOICEPOINT FULL FILE DISCLOSURE

Alpharetta-based ChoicePoint collects personal information on every U.S. citizen, packages that information into at least eight different “files,” and sells those files to a variety of customers, including corporations, marketers and the Department of Homeland Security.

Just as it is crucial to regularly review your credit report, it is important to check the information in your ChoicePoint files every year as that data is being used in many ways by many different people. An error in those files could affect your ability to get a job or rent an apartment.

ChoicePoint will send you one free copy of all eight files every year, and will correct errors upon request and with appropriate documentation.

Request your “ChoicePoint Full File Disclosure” today by calling (888) 497-0011 or visiting www.choicetrust.com.

FREEZING YOUR CREDIT

Equifax Credit Report Control

In order to purchase a credit freeze through Equifax, you must subscribe to one of their monitoring services, which costs between \$9 and \$15 per month. Credit freeze, called “Credit Report Control,” costs an additional \$2 per month – for a total fee of \$11 to \$17 per month.

TransUnion Security Freeze

Victims of identity theft can place a credit freeze through TransUnion for free. Everyone else can purchase a credit freeze, called “Security Freeze,” for a fee of \$10. The fee will be applied every time you freeze, temporarily thaw and lift your freeze.

Experian Security Freeze

Victims of identity theft can place a credit freeze on their file held by Experian for free. Everyone else can purchase a credit freeze, called “Security Freeze,” for a fee of \$10. The fee will be applied every time you freeze, temporarily thaw and lift your freeze.

In order to request a freeze on your credit file, you must send a letter by certified mail to each of the three credit reporting agencies in order for it to be most effective:

Equifax Security Freeze

P.O. Box 105788
Atlanta, Georgia 30348

Experian Security Freeze

P.O. Box 9554
Allen, TX 75013

TransUnion Fraud Victim Assistance Department

P.O. Box 6790
Fullerton, CA 92834

Be sure to include your:

- Name
- Address, verified by proof such as a current utility bill (Experian requires proof of addresses for prior two years)
- Date of Birth
- Social Security Number
- Experian requires a copy of a government issued identification card, such as a driver’s license, state or military ID card, and one copy of a utility bill, bank or insurance statement.
- \$10 payment either by check or money order. If you are an identity theft victim and are requesting a security freeze you must also include a copy of a police report, identity theft report, or other government law enforcement agency report, such as a DMV report.



