

CHAPTER 109
FORMERLY
SENATE BILL NO. 92

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO THE CLEAN CREDIT AND
IDENTITY THEFT PROTECTION ACT

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 2203, Title 6 of the Delaware Code as follows:

§2203. Security Freeze.

(a) Definitions. For the purposes of this section, the following terms shall have the following meanings:

(13) A consumer reporting agency may charge a consumer for a security freeze service only in the following discrete circumstances:

(a) Ten dollars for the initial application for the consumer's first personal identification number or password

(b) Five dollars for the initial application for a person age 65 years or over

(c) If the consumer fails to retain the original personal identification number or password provided by the agency, the consumer may not be charged for a one-time reissue of the same or a new personal identification number or password; however, the consumer may be charged no more than ten dollars for subsequent instances of loss and reissuance of a new personal identification number or password.

(d) No consumer who has been a victim of identity theft shall be charged any fee for placement of a security freeze on his or her report.

(14) The following agencies are not required to place a security freeze on a credit report:

a. A consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the data base of another consumer reporting agency or multiple consumer reporting agencies, and does not maintain a permanent data base of credit information from which new consumer credit reports are produced. However, a consumer reporting agency acting as a reseller shall honor any security freeze placed on a consumer credit report by another consumer reporting agency.

b. A check services or fraud prevention services company which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments.

c. A deposit account information service company which issues reports regarding account closures due to fraud, substantial overdrafts, ATM [automatic 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.

d. A consumer reporting agency database or file that consists entirely of consumer information concerning, and used solely for:

- i. Criminal record information;
- ii. Personal loss history information;
- iii. Fraud prevention or detection;
- iv. Employment screening; or
- v. Tenant screening

(c) Notice of Rights. At any time that a consumer is required to receive a summary of rights required under Section 609 of the Federal Fair Credit Reporting Act, the following notice shall be included:

You may obtain a security freeze on your credit report for no more than ten dollars to protect your privacy and ensure that credit is not granted in your name without your knowledge. You have a right to place a security freeze on your credit report pursuant to Delaware law. The security freeze will prohibit a consumer reporting agency from releasing any information in your credit report without your express authorization or approval. You must separately request, by certified mail, that it be frozen by the three consumer reporting agencies and pay each a ten dollar fee to do so. After January 31, 2009, you will be able to request this freeze from the agencies by e-mail.

Approved July 15, 2013

