



## Identify Theft Violations

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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# Table of Contents

Identify Theft Violations .....	3
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**Reference Number:** MTAS-1585

The Federal Trade Commission is authorized to commence action in a federal district court in the event of a knowing violation of FACTA.

**Civil liability for willful noncompliance** – (a) In general. Any person who willfully fails to comply with any requirement imposed under this subchapter with respect to any consumer is liable to that consumer in an amount equal to the sum of:

- any actual damages sustained by the consumer as a result of the failure or damages of not less than \$100 and not more than \$1,000; or
- in the case of liability of a natural person for obtaining a consumer report under false pretenses or knowingly without a permissible purpose, actual damages sustained by the consumer as a result of the failure or \$1,000, whichever is greater; or
- such amount of punitive damages as the court may allow; and
- in the case of any successful action to enforce any liability under this section, the costs of the action together with reasonable attorney's fees as determined by the court.

Civil penalties for violations are capped at \$2,500 per offense.

For municipalities that pull consumer reports of customers, failure to comply with the address discrepancy regulations subjects violators to penalties not exceeding \$1,000.

### Helpful Links

Fair and Accurate Credit Transactions Act of 2003 [1] (complete text).

Identify Theft Red Flags and Address Discrepancies under the Fair and Accurate Credit Transactions Act of 2003. [2]

Fair Credit Reporting Act. [3]

Federal Trade Commission. [4]

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### Links:

[1] <http://www.gpo.gov/fdsys/pkg/PLAW-108publ159/pdf/PLAW-108publ159.pdf>

[2] <https://www.federalregister.gov/articles/2007/11/09/07-5453/>

identity-theft-red-flags-and-address-discrepancies-under-the-fair-and-accurate-credit-transactions

[3] <http://www.ftc.gov/os/statutes/031224fcra.pdf>

[4] <http://www.ftc.gov/>

*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

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