



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

Published on *MTAS* (<https://www.mtas.tennessee.edu>)

January 23, 2020

Notification of Rights for Tennessee Consumers

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://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,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

Table of Contents

Notification of Rights for Tennessee Consumers.....	3
---	---

Notification of Rights for Tennessee Consumers

Reference Number: MTAS-1915

T.C.A. §§ 47-18-2108 provides that employees/applicants have a right to place a "security freeze" on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without their express authorization. A security freeze must be requested in writing by certified mail or by electronic means as provided by a consumer reporting agency. The security freeze is designed to prevent credit, loans, and services from being approved in the employee or applicants' name without their consent. If the employees/applicants are actively seeking a new credit, loan, utility, or telephone account, you should understand that the procedures involved in lifting a security freeze may slow your applications for credit. Employees/Applicants should plan ahead and lift a freeze in advance of actually applying for new credit. When a security freeze is placed on a credit report, the employee/applicant will be provided a personal identification number or password to use if they choose to remove the freeze on your credit report or authorize the release of your credit report for a period of time after the freeze is in place. To provide that authorization the employee/applicant must contact the consumer reporting agency and provide all of the following:

- (1) The personal identification number or password;
- (2) Proper identification to verify their identity; and
- (3) The proper information regarding the period of time for which the report shall be available.

A consumer reporting agency must authorize the release of your credit report no later than fifteen (15) minutes after receiving the above information.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which the employees/applicants have an existing account, that requests information in the credit report for the purposes of fraud control, or, reviewing or collecting the account. Reviewing the account includes activities related to account maintenance.

The employee/applicant should consider filing a complaint regarding their identity theft situation with the Federal Trade Commission and the Tennessee department of commerce and insurance, division of consumer affairs, either in writing or via their Web sites.

The employee/applicant has a right to bring civil action against anyone, including a consumer reporting agency, who improperly obtains access to a file, misuses file data, or fails to correct inaccurate file data.

Unless the employees/applicants are victims of identity theft with a police report, or other official document acceptable to a consumer reporting agency to verify the crimes, a consumer reporting agency has the right to charge the employee/applicant up to seven dollars and fifty cents (\$7.50) to place a freeze on their credit report, but may not charge them to temporarily lift a freeze on their credit report. A consumer reporting agency may charge a consumer a reasonable fee not to exceed five dollars (\$5.00) to permanently remove a security freeze, or to replace a personal identification number or password. A consumer reporting agency may increase these fees annually based on changes to a common measure of consumer prices. A consumer reporting agency may not charge a Tennessee consumer to place or permanently remove a security freeze if that Tennessee consumer is a victim of identity theft as defined in Tennessee law or federal law regarding identity theft and presents to the consumer reporting agency, at the time the request is made, a police report or other official document acceptable to the consumer reporting agency detailing the theft.

Additionally, T.C.A. § 47-18-2111 gives parents or legal guardians the ability to enact a security freeze on persons under 16 years of age or an incapacitated person under the care of a guardian or conservator. When the freeze is in place, consumer reporting agencies cannot release that person's credit report or any other information regarding that person unless the security freeze is removed. The maximum fee for placing or lifting a freeze for a "protected consumer" is ten dollars (\$10.00) for each action.

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.

Source URL (retrieved on 01/23/2020 - 6:17am): <https://www.mtas.tennessee.edu/reference/notification-rights-tennessee-consumers>



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE