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U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON FINANCIAL SERVICES SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Regarding

"Consumer Credit Reporting: Assessing Accuracy and Compliance"

May 26, 2021

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Introduction and Summary

Chairman Green, Ranking Member Barr, and Members of the Subcommittee, thank you for inviting me to testify today regarding assessing the accuracy and compliance of the consumer credit reporting industry. I offer my testimony here on behalf of the low-income clients of the National Consumer Law Center.[1]

NCLC has long advocated for stronger laws and regulation to ensure accuracy and fairness in the U.S. credit reporting system and to reform Equifax, Experian and TransUnion, known as the nationwide consumer reporting agencies under the Fair Credit Reporting Act (FCRA) and colloquially as "credit bureaus." It's been two years since I last testified before the full House Financial Services Committee about this very same topic and the situation has only gotten worse. The same problems and abuses continue to inflict harms on consumers, including:

- Accuracy problems such as:
    - Mixed files, where the credit histories of two different consumers are mixed together
    - Identity theft accounts not being properly removed from the victim's file
    - Falsely being declared dead
    - Errors by the creditors and debt collectors who supply information to the credit bureaus, *i.e.*, "furnishers." This includes a new type of inaccuracy – violations of the CARES Act credit reporting protections

- A broken dispute resolution system that is over-automated and uniformly biased against consumers, almost always taking the side of the creditors and debt collectors that supply information.

Indeed, these problems may have only increased. Complaints to the Consumer Financial Protection Bureau (CFPB) about credit reporting problems have doubled in the last year. The credit bureaus claim this increase is all due to credit repair, but there is no evidence of that, as the

[1] The National Consumer Law Center is a nonprofit organization specializing in consumer issues on behalf of low-income people. We work with thousands of legal services, government and private attorneys, as well as community groups and organizations, from all states who represent low-income and elderly individuals on consumer issues. As a result of our daily contact with these advocates, we have seen many examples of the damage wrought by abuses from credit reporting agencies from every part of the nation. It is from this vantage point that we supply these comments. *Fair Credit Reporting* (9th ed. 2017) is one of the eighteen practice treatises that NCLC publishes and annually supplements. This testimony was written by Chi Chi Wu, with editorial review by Carolyn Carter and assistance from Leonard Bennett, Sylvia Goldsmith, Matthew Osborne, Joanne Faulkner and other consumer attorneys.

CFPB itself has noted. In fact, there is some indication that, for all their complaints, the credit bureaus have entered into agreements to cooperate with credit repair firms.

We've also seen new problems such as the credit bureaus selling novel products that they do not treat as "consumer reports" governed by the FCRA. As a result, consumers have no way to see what these products are saying about them, let alone try to fix errors. This can harm consumers, for example those who are wrongfully tagged as a "fraud risk."

And of course, during the past 15 months, we've experienced a huge financial disruption caused by the COVID-19 pandemic. This has resulted in massive spikes in job losses, severe economic dislocation, and an impending threat of a tsunami of evictions and foreclosures. All of these events have or could have impacts on consumers' credit scores. While the CARES Act has helped, it has not been enough. We should have a moratorium on negative credit and consumer reporting for the COVID-19 pandemic period.

A. Our Financial Good Names

Credit reports and credit scores play a crucial role in consumers' lives, and their importance has only grown in recent years. Of course, credit reports and scores can determine a consumer's ability to obtain credit and the amount they have to pay for it, which affects their ability to purchase a home – the pathway to establishing middle class wealth for most consumers But even for renters, 90% of landlords use credit reports and scores,[2] which means a bad score could shut out a renter out of apartments in a decent school district or even permanent housing. An article in the New York Times Magazine just this past Sunday documented how much a bad credit score can hurt the ability of many Americans to simply find a stable roof over their heads:

> Without any say in the matter, Americans are now labeled with a new layer of identity: a three-digit judgment of economic worthiness. "It's a number that went from being nonexistent to being a gatekeeper to getting housing," says Lisa Servon of the University of Pennsylvania, the author of "The Unbanking of America." The $14.4 billion credit-reporting industry in the United States — the consumer-credit subset of that market is dominated by the big three: Experian, TransUnion and Equifax — quietly assumed a new yet profound role in the American class system to the extent it influenced who could live where and who received a second chance after financial disaster.
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> * * * * *
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> All this financial surveillance of America's poor has helped lead to the creation of a permanent credit underclass. A survey conducted in the fall of 2018 in Norcross, Ga., a city of about 17,000 outside Atlanta, concluded that nine of the city's 14 hotels, motels and extended stays had become "primarily residential facilities." When the respondents — 70 percent of whom were Black — were asked to name the biggest barrier to more permanent housing, one person after another cited bad credit. "They are trapped by the credit bureaus," says Malik Watkins, an affordable-housing researcher at the Carl Vinson Institute of Government at the University of Georgia, who was an author of the survey. In

[2] Transunion SmartMove, TransUnion Independent Landlord Survey Insights, Aug. 7, 2017, https://www.mysmartmove.com/SmartMove/blog/landlord-rental-market-survey-insights-infographic.page.

Gwinnett County Public Schools, the largest school system in Georgia, 91 bus stops at hotels, motels or extended stays pick up nearly 600 students.[3]

In addition, credit reports and scores can affect whether and at what price Americans can obtain insurance and hence their ability to own a car. Some employers use credit reports, affecting a consumer's ability to find a job. Even hospitals have been known to pull a credit report before offering medical services[4] and the Department of Homeland Security had included a credit score check in its now-vacated Public Charge Rule.[5] It's essentially the report card for a consumer's financial life.

Yet for such an important record, credit reports and scores suffer from profound problems and abuses. They reflect huge racial disparities, with more than 50 percent of white households having a FICO credit score above 700, compared with only 20.6 percent of black households,[6] a finding that is similar to a dozen earlier studies on the topic.[7] Members of the Subcommittee can check out statistics for their own states and counties using the Urban Institute's Credit Health app: https://apps.urban.org/features/credit-health-during-pandemic/.

Credit scores and reports also rely too much on the past, trapping unfortunate Americans who stumble one time into a vicious downward spiral when they are shut out of opportunities for jobs and apartments.[8] And as this hearing focuses on, credit reports are still too full of errors - parents and students would never accept report cards so full of mistakes and inaccuracies.

As many know, the often-cited 2012 Federal Trade Commission (FTC) study on credit reporting errors found that 1 in 5 consumers have verified errors in their credit reports, and 1 in 20 consumers have errors so serious that they would be denied credit or need to pay more for it.[9] With an estimated 208 million Americans in the credit reporting system,[10] this means that 42

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[3] Mya Frazier, When No Landlord Will Rent to You, Where Do You Go?, N.Y. Times, May 23, 2021, https://www.nytimes.com/2021/05/20/magazine/extended-stay-hotels.html?referringSource=articleShare

[4] PJ Randhawa & Erin Richey, KSDK News, Nov. 21, 2020, Why some hospitals run credit checks on patients, https://www.ksdk.com/article/news/investigations/hospitals-want-your-credit-score-for-what/63-b360768d-a138-40f6-b572-e3fa0bc95526.

[5] Inadmissibility on Public Charge Grounds, 84 Fed. Reg. 41,292, 41,503 (final rule Aug. 14, 2019). Regarding the current status of the rule, *see* USCIS, Public Charge Letter to Interagency Partner, April 12, 2021, https://www.uscis.gov/sites/default/files/document/notices/SOPDD-Letter-to-USCIS-Interagency-Partners-on-Public-Charge.pdf.

[6] Jung Hyun Choi, et al., Urban Inst., Explaining the Black-White Homeownership Gap: A Closer Look at Disparities across Local Markets (Nov. 2019), https://www.urban.org/research/publication/explaining-black-white-homeownership-gap-closer-look-disparities-across-local-markets, at 8.

[7] Earlier studies are listed in National Consumer Law Center, Policy Brief: Past Imperfect: How Credit Scores and Other Analytics "Bake In" and Perpetuate Past Discrimination, May 2016, https://www.nclc.org/images/pdf/credit_discrimination/Past_Imperfect050616.pdf.

[8] National Consumer Law Center, Solving the Credit Conundrum: Helping Consumers' Credit Records Impaired by the Foreclosure Crisis and Great Recession, December 2013, https://www.nclc.org/images/pdf/credit_reports/report-credit-conundrum-2013.pdf.

[9] Federal Trade Comm'n Report to Congress Under Section 319 of the Fair and Accurate Credit Transactions Act of 2003 (Dec. 2012).

[10] Kenneth Brevoort, Philipp Grimm & Michelle Kambara, CFPB Office of Research, CFPB Data Point: Credit Invisibles 12 (May 2015), http://files.consumerfinance.gov/f/201505_cfpb_data-point-credit-invisibles.pdf.

million consumers have errors in their credit reports, and 10 million have errors that can be life altering.

Another indication of the massive accuracy problems is the dramatic explosion during the pandemic of complaints to the CFPB about credit reporting. In 2020, the CFPB received over 319,000 complaints about credit or consumer reporting, over twice as many as in 2019 and constituting 59% of the overall complaints received by CFPB last year. [11] Since the CFPB started accepting complaints about credit reporting in December 2011, there have been over 700,000 such complaints.[12] And in 2021, there are already over 90,000 credit reporting complaints in the first four months, constituting 59% of complaints to CPFB in the first third of the year.[13]

The level of errors in credit reports and volume of complaints is unacceptable for an industry so important to the financial lives of Americans. After 50 years of advocacy, legal changes, regulation, and enforcement, we are still faced with a fundamentally flawed credit reporting system. As the CFPB has noted, "experience indicates that [the credit bureaus] lack incentives and under-invest in accuracy."[14]

To understand why the credit reporting system is so dysfunctional, we must always keep in mind two critical facts:

> 1. Credit bureaus are entirely private companies that are publicly traded, which means their highest duty is to shareholder profit, not the public good or the American consumer.
>
> 2. The paying clients of credit bureaus are not consumers, but the creditors and debt collectors who furnish or use the information contained in the credit bureaus' databases.

The fact that these are private, profit-seeking companies explains why the credit bureaus are expanding their products into uses that ultimately harm Americans and contribute to the massive inequality in our nation. The fact that their customers are creditors and other users of information explains the unacceptable error rates and bias against consumers who complain about errors.

These factors are why it's time for a new paradigm for credit reporting, a public credit registry. While public agencies are far from perfect, at least they would not have profit-making as their top priority. They would be responsive to public pressure and government oversight. Most importantly, they could prevent the use of credit reports and scores for purposes such as employment or rental housing, where they are inappropriate and widen the already yawning racial and economic inequality in this country.

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[11] Consumer Financial Protection Bureau, Consumer Response Annual Report January 1 – December 31, 2020 (March 2020), at 9, https://files.consumerfinance.gov/f/documents/cfpb_2020-consumer-response-annual-report_03-2021.pdf.

[12] Data generated from CFPB Consumer Complaints Database, https://www.consumerfinance.gov/data-research/consumer-complaints/search/ (viewed May 22, 2021).

[13] *Id.*

[14] Consumer Financial Protection Bureau, Supervisory Highlights Consumer Reporting Special Edition, Winter 2017, at 21, https://files.consumerfinance.gov/f/documents/201703_cfpb_Supervisory-Highlights-Consumer-Reporting-Special-Edition.pdf.

B. Voices of Frustration

In 2020, we celebrated the 50th Anniversary of the Fair Credit Reporting Act. This means that the problems and abuses of credit bureaus have been the subject of attention and reform for over half a century. Unfortunately, in these five decades, the situation has only gotten worse as credit reports remain full of flaws but are used by more and more businesses to deny consumers the necessities of life. The following are some of the key types of errors in credit reports, including examples from legal cases, media articles, and the CFPB complaint narratives.

1. Mixed files

In 1968, Senator William Proxmire, often considered the father of the FCRA, noted: "There are many varieties of inaccurate information, but I shall mention only two. One is the case of mistaken identity, where two individuals with the same names are confused, and the deserving individual is denied credit because of something done by the other person."[15] Fifty years later, this type of error- the mixed file - still harms too many consumers. Mixed files are caused by insufficient and overly loose matching criteria, in particularly the practice of matching data based on only 7 out of 9 digits of a Social Security number.

In May 2015, the credit bureaus entered into a settlement with over 30 Attorneys General agreeing to a number of reforms, including establishing minimum standards for matching criteria and providing for escalated handling for mixed file disputes.[16] Yet six years later, consumers are still facing problems from mixed files.

> *Twin trouble*
> Just this month, Verge news writer Mitchell Clark wrote an extensive article about how his file at the credit bureaus has been consistently mixed with his twin sister Alita:
>
> Sometimes they associate her name with my social security number, sometimes it's the other way around — and sometimes we both show up under the same SSN…. Over and over, Alita and I have been rejected for credit cards, despite both having good credit. I was rejected for a car loan by a bank that I've used for years — despite having enough cash to immediately pay off the loan. Neither of us has had issues with getting access to housing, but it's hard to feel sure it won't happen in the future. The problem isn't banks or lenders but the credit system itself, a vast and invisible information network with little incentive to correct even the simplest of problems.[17]

[15] 114 Cong. Rec. 24,903 (1968).
[16] Assurance of Voluntary Compliance/Assurance of Voluntary Discontinuance, In the Matter of Equifax Info. Serv. L.L.C., Experian Info. Sols., Inc., and TransUnion L.L.C., § IV (E)(5) and (F)(7) (May 20, 2015), https://www.ohioattorneygeneral.gov/Files/Briefing-Room/News-Releases/Consumer-Protection/2015-05-20-CRAs-AVC.aspx
[17] Mitchell Clark, Credit agencies can't tell my sister and me apart, The Verge, May 12, 2021, https://www.theverge.com/22421193/credit-reporting-infrastructure-errors-experian-equifax-transunion.

2. Identity theft

Credit bureaus and furnishers both bear a share of the blame for the fallout from identity theft. The credit bureaus' loose matching procedures contribute to the problem of identity theft, and their data breaches give thieves the tools needed to commit fraud. When consumers try to fix the aftereffects of identity theft, furnishers often fail to believe them and the credit bureaus take the furnishers' side. Furnishers often require police reports, even though practitioners report that many police departments are unwilling to provide them and the FTC has stated that its Identity Theft Affidavit is sufficient to dispute accounts resulting from identity theft.[18] In fact, some practitioners report that furnishers are insisting on a criminal prosecution before they will treat a fraud account as identity theft, which can be an almost impossible bar. Other practitioners report that credit bureaus will not treat a police report as valid if it does not contain a police officer's signature or an official police department seal, or both, even though many police departments will only provide a computer-generated report with the officer's name printed.

> *Not a Best Buy*
> Thomas Kemlage is a prominent dentist in his 50s. In the Fall of 2019, Dr. Kemlage discovered a $1,700 charge for electronics purchases at Best Buy on his JPMorgan Chase card. He immediately reported the fraudulent charges to Chase, which instructed him to file a police report, which he did on December 6, 2019. The police actually investigated and "determined from Best Buy surveillance video that 'the purchase at Best Buy was made by someone other than me.'" Yet not only did Chase refuse to remove the charge, it reported his account as over 180 days past due and charged off, seriously harming his credit record. Dr. Kemlage disputed this reporting and requested a fraud block, as was his right under the FCRA. All three credit bureaus refused to apply a fraud block. Experian's stated reason for this denial was that "[t]he identity theft report that you provided to us does not meet the guidelines established by the federal Fair Credit Reporting Act for the following reason(s): The report does not reference identity theft" – despite the fact that both the police report as well as an FTC Identity Theft Affidavit that Dr. Kemlage submitted described the identity theft at issue.[19]
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> Additional examples from the CFPB Complaint Database of the credit bureaus and furnishers refusing to believe identity theft victims and refusing to remove fraudulent accounts from the victims' credit report are included in Appendix A.

3. Being declared dead

In one of the worst types of credit reporting errors, consumers are labeled as "deceased" when they are alive and breathing. Another reform required by the 2015 AG settlement was to

[18] Seena Gressin, Federal Trade Commission, Most ID theft victims don't need a police report, Apr. 27. 2017, https://www.consumer.ftc.gov/blog/2017/04/most-id-theft-victims-dont-need-police-report "In most cases, you can use your Identity Theft Report in place of a police report to clear your account and credit records of transactions that resulted from the identity theft.").
[19] Complaint, Kemlage v. Equifax Info. Serv., LLC, Cause No. 4:21-cv-00469 (Apr. 22, 2021)

identifying ways to "preventing inaccurate reporting of Disputed Deceased Indicators."[20] Six years later, consumers are still facing the terrible burden of being falsely declared dead.

> *Being declared dead leads to a broken heart*
> In January 2017, James Rennick applied for a home-equity loan in order to renovate his house. His wife of five decades, Angela, was dying of lung, kidney, bone and brain cancer and Rennick wanted to make renovations to ease her last days and to cover burial costs. But Rennick was unable to get a loan because Equifax and Experian had declared him dead. Rennick's credit history information was mixed up with that of another man, an unrelated James Palmer. As a result, not only was he unable to accommodate his dying wife, Rennick himself "died of a broken heart" according to his daughter. Both Rennick and his wife had to be cremated "because there wasn't enough money for the more expensive option of burial."[21]

<u>4. Furnisher errors</u>

Errors in credit reports can often be caused by furnishers. Common errors include attributing an account or debt to the wrong consumer, incorrectly recording a payment history, or failing to properly report a bankruptcy or loan modification. Debt collectors are a frequent source of errors.[22]

> *Debts of the father*[23]
> Medical bills are the most common type of debt collection item on credit reports. In some cases, they might not even be reported for the correct patient. For example, in March 2018, debt collection agency AR Resources (ARR) reported 19 medical bills of 83-year old Francisco Perez Gonzalez on the credit report of his son, Francisco J. Perez Ramones. ARR refused to correct this error despite the son disputing these debts around 30 times. These disputes noted that the son and father had different names and dates of birth, yet ARR refused to correct the information. The credit bureaus simply accepted ARR's response despite clear evidence that the debt collector had tagged the wrong consumer. Furthermore, this collector seems to have questionable dispute investigation policies – one of its investigators stated in a deposition that "she wouldn't 'delete an account just because the last name is different' because that is inconsistent with ARR's policies."[24]

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[20] Assurance of Voluntary Compliance/Assurance of Voluntary Discontinuance, In the Matter of Equifax Info. Serv. L.L.C., Experian Info. Sols., Inc., and TransUnion L.L.C., § IV(F)(2)(A) (May 20, 2015), https://www.ohioattorneygeneral.gov/Files/Briefing-Room/News-Releases/Consumer-Protection/2015-05-20-CRAs-AVC.aspx

[21] Andrew Keshner, This woman says Equifax mixed up her father's credit report and 'destroyed' his life — and now she hopes to convince a jury, Marketwatch, Oct. 29, 2019, https://www.marketwatch.com/story/this-woman-says-equifax-mixed-up-her-fathers-credit-report-and-destroyed-his-life-now-she-hopes-to-convince-a-jury-2019-10-25. *See also* Malverty v. Equifax Information Services, LLC, 407 F.Supp.3d 1257 (2019).

[22] The CFPB found that debt collectors are responsible for 40% of disputes to the credit bureaus even though they only supply 13% of the accounts to credit reports. CFPB, Key Dimensions and Processes in the U.S. Credit Reporting System: A review of how the nation's largest credit bureaus manage consumer data 14, 29 (2012), https://files.consumerfinance.gov/f/201212_cfpb_credit-reporting-white-paper.pdf.

[23] Perez Ramones v. Experian Info. Sols., LLC, 2021 WL 1839535 (S.D. Fla. May 7, 2021).

[24] *Id.* at *5.

5. CARES Act violations

The Coronavirus Aid, Relief, and Economic Security (CARES) Act provides credit reporting protections if a creditor approves a consumer for an "accommodation," *i.e.*, a forbearance, payment deferral, loan modification, or other relief granted to a consumer affected by the COVID-19 pandemic.[25] If the creditor granted an accommodation and the consumer was current at the time, the CARES Act requires the account to be reported as current so long as the consumer complies with the accommodation agreement. If the consumer was already delinquent when they received the accommodation, but complies with the accommodation agreement, the creditor must report the same delinquency status during the accommodation period.[26] This past year, a common furnisher error was failing to properly follow the credit reporting requirements of the CARES Act.

> *Violation of CARES Act After Loan Transfer (Texas)*
> I'm currently on a forbearance plan until XX/XX/XXXX and I've been on one since XX/XX/XXXX of last year due to Covid. I filed applied for a forbearance plan with LoanCare and per the terms of the plan if my loan was current prior to entering the forbearance that's how it would be reported. Until XX/XX/XXXX XXXX was reporting my [sic] correctly to the credit bureaus then suddenly after selling my loan they reported me late and closed my account. This needs to be corrected ASAP! My loan was current before and according to the plan so why am I being reported late now when it was being reported Pay as agreed until now.
> CFPB Complaint No. 4311035, filed April 20, 2021

> *Violation even when consumer paid the bills (Ohio)*
> XXXX XXXX XXXX marked me late on my lease on XXXX, XXXX and XXXX of XXXX. From the date my lease was taken out, I made {$300.00} weekly payments every single week. I never missed a payment. When covid hit, we lost our jobs and used the advanced payments to pay for our lease. We spoke to several representatives throughout XXXX to make sure we were current on our payments. We were advised several times we were good until XX/XX/XXXX. It wasn't until I checked my credit report to see that we were marked late. What is weird is that XXXX was paid on time but XXXX was late. I spoke to a sweet girl name XXXX who advised that this was their error and it would be removed off of my credit report. This has not been taken care of.
> CFPB Complaint No. 4331459, filed April 27, 2021

C. A Broken Dispute System

One of the key tools in the FCRA to combat inaccuracies is the consumer's right to dispute errors and the credit bureaus' obligation to conduct a reasonable investigation. Yet the FCRA-mandated dispute system has been a travesty of justice for decades, as documented by NCLC's 2009 report *Automated Injustice: How a Mechanized Dispute System Frustrates Consumers Seeking to Fix Errors in their Credit Reports*. The report documented how the credit bureaus'

[25] Pub. L. No. 116-136, § 4021 (Mar. 27, 2020).
[26] *Id.*

entire role in dispute "investigation" was to convey disputes to furnishers through the highly automated e-OSCAR system. This system primarily using shorthand two- or three-digit codes, with, in a minority of instances, up to just a line or two of text. The credit bureaus used the same four or five codes over 80% of the time. Workers did not examine documents, contact consumers by phone or email, or exercise any form of human discretion in resolving a dispute.

In preparation for the February 2019 credit reporting hearing before the full Committee, we released a 10-year update entitled *Automated Injustice Redux: Ten Years after a Key Report, Consumers Are Still Frustrated Trying to Fix Credit Reporting Errors.* This updated report documented how, despite a decade of attempts at reform, credit bureaus and furnishers continued to have serious problems in ensuring the accuracy of credit reports, and the dispute process remains ineffective and biased. *Automated Justice Redux* contains story after story from lawsuits and the CFPB Complaint Database to illustrate the frustrations and harms caused to consumers from these problems.

Both the 2009 report and the 2019 update described how credit bureaus are universally biased in favor of furnishers and against consumers in disputes. In a practice known as "parroting," credit bureaus blindly adopt the response of the furnisher without performing any independent review. The credit bureaus' practice is akin to a referee who always rules for one team. In 2017, the CFPB characterized parroting as a violation when it stated in a Supervisory Highlights report that it had cited the credit bureaus for "fail[ing] to review and consider the attached documentation and relied entirely on the furnisher to investigate the dispute."[27] Despite this CFPB pronouncement, the credit bureaus continue to engage in the practice.

Indeed, the credit bureaus' failure to conduct any meaningful investigation of disputes has only gotten worse as they have pushed, often successfully, their argument that they are not required to resolve "legal" disputes. Starting in 2010 with the case *Carvalho v. Equifax Info. Servs., LLC*,[28] the credit bureaus as well as furnishers have aggressively pushed this theory with success, much to the detriment of consumers. The scope of what credit bureaus and furnishers claim to be a legal dispute has broadened to include issue such as forgery,[29] mixed files,[30] and identity theft.[31] The credit bureaus and furnishers are using the "legal dispute" argument to gut the investigation requirements of the FCRA, and avoid any legal responsibility for their failures. Recently, the CFPB has finally pushed back against this issue, decrying in an amicus brief the "formalistic

[27] CFPB, Supervisory Highlights Consumer Reporting Special Edition, Winter 2017, https://files.consumerfinance.gov/f/documents/201703_cfpb_Supervisory-Highlights-Consumer-Reporting-Special-Edition.pdf, at 10-11.
[28] 629 F.3d 876 (9th Cir. 2010).
[29] Uppal v. Wells Fargo Bank, N, 2020 WL 6150923 (M.D. Fla. Oct. 20, 2020)(dismissing claim where plaintiff alleged forgery of documents as a legal dispute).
[30] Thompson v. Trans Union Data Sol., 2021 WL 1923409, at *3 (N.D. Ill. May 13, 2021)(denying dismissal; Chase argued it was a legal dispute where the consumer "states that he did not authorize the credit card and did not know anything about it.)
[31] Perez Ramones v. Experian Info. Sols., LLC, 2021 WL 1839535, at *5 (S.D. Fla. May 7, 2021)("the Court finds unavailing the Defendant's argument that it was not required to determine whether the Plaintiff "legally owed the debts" being reported.… the Plaintiff's thirty disputes that the debts at issue were not his is not akin to a legal challenge.").

distinction between factual and legal questions" because "[s]uch a distinction is inconsistent with the text and purpose of FCRA."[32]

To addressing the bias and dysfunction by the credit bureaus in addressing disputes, Congress or the CFPB should establish a right for consumers to appeal when they disagree about the results of a dispute. The appeal could either be to an independent unit in the credit bureau or to a regulator, such as the CFPB or FTC. If the unit is housed within a credit bureau, the unit must have direct and unfettered authority to make independent decisions and not be subject to any restrictions or incentives to process disputes quickly or in favor of furnishers. Indeed, the House of Representatives passed two bills in the last Congressional session establishing such a right, only to see the Senate fail to act on them.[33]

D. Credit Repair is a Red Herring

The credit bureaus' response to the massive increase in CFPB complaints is to claim the problem is not about errors, but due to credit repair organizations. CDIA President Francis Creighton asserted in an American Banker article that "[t]hey are using the legal structure of filing disputes as a tactic to remove accurate but negative information from credit reports…. The problem here is credit repair."[34]

Yet there is no evidence for this proposition. A quick scan of credit reporting complaints from just this year (Jan-April 2021) finds numerous complaints with individualized narratives that do not appear to be from credit repair organizations. Some are reproduced in Section B above and others are included in Appendix A to this testimony.

Furthermore, the CFPB itself has refuted the notion that the explosion in credit reporting complaints is the result of credit repair organizations or that such complaints are illegitimate or fraudulent. In a New York Times article, the CFPB noted that:

> companies can flag suspicious complaints for further review through an 'administrative response' process and that those complaints are not published in the database. In 2020, the bureau said, companies used the administrative response option for 3 percent of credit or consumer reporting complaints sent to them for response.[35]

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[32] Brief of Amicus Curiae Consumer Financial Protection Bureau, Gross v. CitiMortgage, Inc., 9th Circuit No. 2017160, https://files.consumerfinance.gov/f/documents/cfpb_amicus-brief_gross-v-citimortgage_2021-14.pdf. Gross v. CitiMortgage involved furnisher dispute investigations the rationale would apply to credit bureaus as well.
[33] H.R. 3621, the Comprehensive CREDIT Act, 116th Congr. (2020) and H.R. 5332, the Protect Your Credit Score Act, 116th Congr. (2020).
[34] Kate Berry, Why are complaints about credit bureaus soaring?, American Banker, April 30, 2021, https://www.americanbanker.com/news/why-are-complaints-about-credit-bureaus-soaring.
[35] Ann Carrns, More Consumers Complain About Errors on Their Credit Reports, N.Y. Times, Feb. 19, 2021, https://www.nytimes.com/2021/02/19/your-money/credit-report-errors.html.

The CFPB also told the American Banker that the credit bureaus "have provided no credible evidence that the increase is the result of unauthorized submissions by credit repair organizations."[36]

Indeed, without more evidence, there are a number of other just as logical, if not more so, reasons for the increase in credit reporting complaints. The increase could have been caused by factors such as:

- The heightened importance of credit reporting during the COVID-19 pandemic given its devastating economic impact. After all, the credit bureaus provided free weekly credit reports because of this impact, which is laudable. With more consumers checking their credit reports, there are bound to be more complaints.
- The boom in new uses for credit reports and scores, especially for rental housing. With millions of consumers seeking apartments, and credit reports or scores used to deny rental housing for many of them, that is bound to increase the number of consumers reviewing their credit reports.

Also remember that while 300,000 complaints is a big number, the really huge number is the 10 million consumers with serious errors in their credit reports as the FTC 2012 study found.

Furthermore, while the credit bureaus often and vociferously complain about credit repair, their own actions might be facilitating the industry. For example, Lexington Law is the second largest credit repair firm in the nation and has been sued by CFPB for deceptive marketing practices.[37] Yet according to a court case filed against it by a debt collector:

> Lexington Law <u>has contracts with the [credit] Bureaus</u> which contain provisions requiring the Bureaus to treat the electronic disputes as if they were submitted directly by the consumers. (Doc. 318 at 26 (citing to the agreements); 340 at 7.) The credit bureaus then send the ACDVs or e-disputes to the debt collector, such as Plaintiff, without identifying the source of the dispute.
>
> AD Astra Recovery Servs., Inc. v. John Clifford Heath, Esq., 2021 WL 764565, at *4 (D. Kan. Feb. 26, 2021)(ruling on summary judgment; emphasis added)

Another important point - and rather an astounding fact - about credit reporting disputes is this: it does not dramatically increase costs to the credit bureaus, and in fact may help their bottom line, to have an increase in disputes, whether filed by credit repair organizations or not. This is due to two reasons:

> 1. As described in Section C above, the credit bureaus reduced their costs to process disputes by automating the processing to the point where they need to do very little. In

[36] Kate Berry, Why are complaints about credit bureaus soaring?, American Banker, April 30, 2021, https://www.americanbanker.com/news/why-are-complaints-about-credit-bureaus-soaring.
[37] CFPB Press Release, Consumer Financial Protection Bureau Files Suit Against Lexington Law, PGX Holdings, and Related Entities, May 2, 2019, https://www.consumerfinance.gov/about-us/newsroom/bureau-files-suit-against-lexington-law-pgx-holdings-and-related-entities/.

fact, if a consumer files a dispute online, it is automatically sent to the furnisher with no intervention by the credit bureau and thus results in very little marginal per dispute costs to the credit bureau.

2. The e-OSCAR system used by credit bureaus *charges furnishers $0.30 for each dispute*.[38] For online disputes, given their low marginal costs, this $0.30 could conceivably represent a profit. Even for paper-based disputes, NCLC's *Automated Injustice* report from 2009 found that one of the credit bureaus spent only 57 cents processing each dispute letter.[39] If a consumer dispute letter challenges the accuracy of multiple accounts, even paper disputes could represent a profit.

Thus, for all their bemoaning of the evils of credit repair, the credit bureaus have actively abetted their submission of disputes and could even possibly be making a profit on some of those disputes.

E. New products, old abuses

As if worrying about the accuracy and reliability of the credit reporting system wasn't bad enough, the credit bureaus have been selling an array of new products to creditors and other users. These include:

- Products that tell a creditor whether a person is a fraud risk, such as Equifax's SAFESCAN,[40] Experian's Fraud Shield,[41] and Trans Union's TrueValidate.[42]
- Marketing products, some of which incorporate financial and creditworthiness information for marketing, such as Experian's Mosaic and ConsumerView products.[43]

The credit bureaus claim that some of these products are not consumer reports under the FCRA, which is terribly problematic. Without the protections of the FCRA, consumers are not entitled to file disclosures (*i.e.*, the ability to get their own reports) or adverse action notices when the information is used against them to deny credit or other important products. The lack of transparency means consumers are unable to correct errors in these products when the errors cause them harm. And without adverse action notices, many consumers don't know the existence of these products, making them invisible.

Another product that is shutting consumers out of important necessities is LexisNexis's Accurint product. Accurint is used by the Social Security Administration to screen for non-home real estate, and then to deny or terminate recipients' Supplemental Security Income (SSI) benefits. Unfortunately, Accurint has wrongfully tagged potentially thousands of SSI recipients as owning

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[38] See https://www.e-oscar.org/billing-finance/program-costs.
[39] National Consumer Law Center, Automated Injustice: How a Mechanized Dispute System Frustrates Consumers Seeking to Fix Errors in Their Credit Reports (2009), https://www.nclc.org/images/pdf/pr-reports/report-automated_injustice.pdf. at 32
[40] https://www.consumer.equifax.ca/business/safescan/.
[41] https://www.experian.com/content/dam/marketing/na/assets/im/decision-analytics/product-sheets/fraud-shield.pdf.
[42] https://www.transunion.com/solution/truvalidate
[43] https://www.experian.com/content/dam/marketing/na/assets/ems/marketing-services/documents/brochures/mosaic-brochure.pdf

real estate that they do not, because LexisNexis matches information based on only the individual's name, resulting in recipients being wrongfully terminated from their benefits. This problem is documented in a recent NCLC/Justice in Aging report *Mismatched and Mistaken: How the Use of an Inaccurate Private Database Results In SSI Recipients Unjustly Losing Benefits* (April 14, 2021).

In many ways, the newer products being offered by the credit bureaus and other consumer reporting agencies (CRAs) are similar to the OFAC Alerts that are the subject of *Ramirez v TransUnion*,[44] which resulted in a $60 million jury verdict for falsely tagging consumers as potential terrorists or drug dealers. For many years, TransUnion refused to treat OFAC Alerts as part of a consumer report or regulated by the FCRA. Unfortunately, unlike with OFAC Alerts, some courts are siding with the credit bureaus and holding products like Mosaic scores are not consumer reports.[45]

Even if products like Mosaic score are FCRA-covered, another problem is that the Act exempts from its disclosure requirements "credit scores or any other risk scores or predictors relating to the consumer." 15 USC 1681g(a)(1)(B). While another provision allows consumers to purchase credit scores, that requirement is narrower and does not cover a score unless it is "a numerical value … used by a person who makes or arranges a loan to predict the likelihood of certain credit behaviors, including default." *Id.* at § 1681g(f)(2)(A)(i). The credit bureaus and other CRAs are selling more and more other types of risk scores beyond credit-based scores; examples include healthcare scores, tenant screening scores, and employment background check scores. These scores may not be considered "credit scores" required to be disclosed under the FCRA.

With these new products, there is also a question of whether the credit bureaus are illegitimately using information from credit reporting files for marketing purposes. Experian claims its ConsumerView product uses "[a]ggregated credit information includ[ing] Experian's Premier Aggregated Summarized Credit Statistics" and that it includes "[f]inancial data segments [that] go beyond income and estimate the way your customers spend their money."[46] Yet marketing is not a permissible purpose under the FCRA except for the limited use of prescreened lists.

Indeed, the credit bureaus were the original Big Data. They are attempting to keep up that status and to keep up with other data purveyors such as Acxiom and Oracle. They have been on a buying spree in recent years, purchasing other data companies such as TruSignal (TransUnion)[47] and Tapad (Experian).[48] They have also purchased companies that specialize in subprime credit

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[44] 951 F.3d 1008 (9th Cir.), *cert. granted*, 141 S. Ct. 972, 208 L. Ed. 2d 504 (2020). This case is currently being decided at the Supreme Court on an issue of Article III standing. *See* Chi Chi Wu, Class Action Access At Stake In High Court TransUnion Case, Law360.com, Apr. 22, 2021, https://www.law360.com/classaction/articles/1377862/class-action-access-at-stake-in-high-court-transunion-case.
[45] Skiles v. Tesla, Inc., 440 F. Supp. 3d 1012, 1015 (N.D. Cal. 2020).
[46] https://www.experian.com/assets/marketing-services/product-sheets/consumerview.pdf.
[47] Press Release, TransUnion Strengthens Digital Marketing Solutions with Agreement to Acquire TruSignal, May 15, 2019, https://newsroom.transunion.com/transunion-strengthens-digital-marketing-solutions-with-agreement-to-acquire-trusignal/ ("TruSignal uses its custom audience-building platform to deliver predictive scoring powered by artificial intelligence, making big data available and actionable in almost real time for one-to-one addressable marketing.")
[48] Press Release, Experian acquires Tapad, a leading digital identity resolution provider, Nov. 19, 2020, https://www.experianplc.com/media/news/2020/experian-acquires-tapad/ ("Experian, the global information

information, which is then used as a prescreening tool to send offers from high-cost lenders – Clarity (Experian) and FactorTrust (TransUnion).

Fifty years, the FCRA was passed to ensure critical rights for consumers – the right to obtain information about themselves held by the credit bureaus (files disclosures), the right to know when that information was used against them (adverse action notices), the right to correct errors, and a requirement that credit bureaus ensure the accuracy of the information. With new products that the credit bureaus claim are not covered by the FCRA, we've taken a 50 year step back to the bad old days when these companies used their troves of information to make important decisions about our financial lives without any obligation for transparency and accuracy. The credit bureaus cannot be permitted to get away with this. These products need to be brought within the purview of the FCRA either through enforcement, regulation, or legislation.

F. Conclusion

For 50 years, Congress, the FTC and now the CFPB, state legislatures and regulators, consumer advocates, private attorneys, and everyday Americans have battled a credit reporting industry that continues to abuse consumers with too many errors and a biased and dysfunctional dispute system; which points the finger at another industry (credit repair) while denying any responsibility for its failures; which instead of investing in fixing its mistakes goes on a buying spree to acquire new sources of data regardless of accuracy and then claims it need not comply with the FCRA for this data. And which is shamelessly shilling its products for inappropriate and destructive uses such as rental housing and employment, contributing to one of the most appalling problems in this country – the massive economic and racial equality that threatens to tear this country apart.

Fifty years of abuse and dysfunction is enough.

It's time for a new paradigm for credit reporting, one that is responsive to consumers, to the American people and to the good of our country. It's time for a public credit registry.

Short of a public credit registry, Congress should:

1. Reintroduce and pass a bill similar to the Comprehensive CREDIT Act, as well as a bill similar to the Protect Your Credit Score Act. Both bills were passed by the House of Representatives in the last Congress but not by the Senate. The bills included provisions such as:

- providing consumers with a right of appeal for credit reporting disputes;
- requiring stricter matching criteria to prevent mixed files;
- clarifying that the credit bureaus must devote sufficient resources and conduct independent analyses in disputes;
- providing consumers with a right to seek injunctive relief compelling credit bureaus to fix a credit report;

services company, today announces that it has completed the acquisition of Tapad – a leading provider in digital identity resolution for marketers that helps to connect brands to consumers, primarily in the United States.")

- shortening the time that negative information can remain on a consumer report to four years (seven years for bankruptcies)

2. Establish a moratorium on negative credit and consumer reporting for events that occurred during the COVID-19 pandemic period, similar to Section 110401 of the HEROES Act, H.R. 6800, passed by the House of Representatives during the 116th Congress.

3. Clarify that the scope of the Fair Credit Reporting Act includes reports and scores sold by the credit bureaus related to the purposes specified in the Act, and expand the scope to include all other products sold by those companies as well as other consumer reporting agencies.

Appendix A: Examples of Recent (2021) Complaints from the CFPB Consumer Complaint database

<u>CARES Act Violations</u>

Georgia complaint
Mortgage company XXXX XXXX has reported me delinquent on 2 separate occasions despite being on Covid forbearance both times. This has severely and negatively affected my credit. Once reported the the [sic] me through a long cumbersome process despite it being their fault (twice). They also insist that I have to make a lump sum payments on the 2 payments that I misses during forbearance despite informing them that I want the payments added to the end of the loan as the CARES Allows. They refuse to do this. I need assistance in dealing with this unresponsive and unhelpful mortgage company.
CFPB Complaint No. 4324700, filed April 23, 2021

Colorado complaint
Because of Covid 19 natural disaster, I had to go into a forbearance agreement with Colorado Housing Financial Authority (CHFA) in XX/XX/XXXX until XX/XX/XXXX. During this time, I talked to representatives several times about my mortgage and the forbearance agreement, and in those conversations, I brought up the fact that CHFA had reported to all 3 credit bureaus that my account was late XXXX, XXXX and XXXX in XXXX. The representative would say that they had noted this in my account and they would look into it. I have continued to look at my credit reports and the XXXX, XXXX and XXXX months continue to show as late payments. I started making monthly mortgage payments beginning XX/XX/XXXX and also signed a modification agreement with CHFA in XX/XX/XXXX. The XXXX, XXXX and XXXX in XXXX continue to show as late payments. Under the CARES Act, there should be no negative impact to a borrowers credit score for payments missed during an approved forbearance period. This has affected my credit scores.
CFPB Complaint No. 4319423, filed April 22, 2021

Illinois complaint
Called XXXX XXXX to correct the payment history as Ive [sic] been marked 90 days past due on my credit report. I asked them for relief due to Corona virus to defer one or more payments or to make a partial payment, they gave me ok for partial payment and then they reported me as delinquent 90 days. I had a severe illness and then COVID. I was struggling to make the minimum payment. I kept calling them continuously to address the issue. Their answer is making partial payment is not going to affect your credit rating. Then I got hit by 90 days past due. I got promised from Rep. to solve the issue but unfortunately, no improvement.!
CFPB Complaint No. 4229874, filed March 19, 2021

Tennessee complaint
I was sick with covid in XXXX and tried to contact the Barclay to let them know I needed to be in a hardship plan or cares act and could not get enrolled [sic]. I would like this late payment

removed. I have a Visa Black hard and XXXX rewards card. they reported them both as 30 days late.
CFPB Complaint No. 4325266, filed April 24, 2021

California complaint
I have written to chase about this and they have asked me to contact credit reporting agencies / bureaus directly. The information reported on my credit report for missed payments in the year 2020 for chase freedom card ending in XXXX was inaccurately reported. I enrolled into chase 's covid-19 protection plan with the understanding that the account will not be reported. However, upon communication with them, it seems like the account was reported for late payments....I have verified with the state that my credit score would be protected and remain unchanged. Their website clearly states that credit scores would not be impacted due to the impact of Covid-19. I request you restore my credit score back to XXXX or XX/XX/2020, before the pandemic was declared.
CFPB Complaint No. 4335892, filed April 28, 2021

Deceased complaints

Texas complaint

I purchased a XXXX treadmill on a promotional 12-months 0 interest through TD Bank. I paid the card on time and within the12 months. In addition of TD Bank posting the account as paid in full, they reported me as DECEASED. I wouldn't have known this except I was trying to get a mortgage and my bank told me that Experian and Equifax showed me DECEASED based on TD Bank 's report. I called TD Bank and they told me that they even had a death certificate on file for me! I called multiple times for them to remedy this. I called XXXX and XXXX also but I could not prove to them, to their satisfaction, despite answering all their questions to my identity, that I am in fact ALIVE! I was unable to get the mortgage due to these errors on my credit report and the inability or unwillingness of these companies to correct their errors.
CFPB Complaint No. 4183837 & 4183236, filed March 4, 2021

Pennsylvania complaint #1

XXXX did not read my previous complaint correctly AT ALL. XXXX XXXX declared me dead and then reopened my account months later. They added fees past due payments (which they wouldnt let me pay because they said I was dead). Then when I refused to pay interest and late fees and the past due of {$600.00} (only past due because they wouldnt let me pay because they had it marked deceased). I REPEAT THEY REOPENED THE ACCOUNT AFTER WITH NO APOLOGY OR EXPLANATION AND REFUSED TO REMOVE LATE FEES AND ACCEPT A REGULAR MONTHLY PAYMENT AFTER THEY HAD MY CREDIT FROZEN. SO NOW THEY KEEP CHARGING IT OFF!!! I offered to pay what was due before they closed and reopened my account!
CFPB Complaint No. 4264573, filed April 1, 2021

Pennsylvania complaint #2

*L*et me state this I am a XXXX combat veteran who was marked XXXX by XXXX XXXX. XXXX XXXX in XXXX of XXXX or XXXX I believe marked me deceased. I tried to pay my bill online it said closed. I called to pay and they wouldnt let me pay. They said they didnt know why I couldnt pay. This went on for a month …. They made no effort to fix it or give me suggestions on how to fix it. Finally after numerous calls and wasted time someone told me they marked me XXXX. I told them obviously this was untrue. They had no idea why I was marked as deceased. I asked her to fix it they told me they didnt know. They told me they had no idea why or how it happened or how to fix it. I watched my credit report get frozen from all bureaus. My credit report showed me is XXXX for a period of time. I am a XXXX veteran and seeing myself marked as XXXX was very traumatic. We feared my XXXX and mortgage would be frozen due to my social being marked as deceased. Everything I researched said I was XXXX. Eventually XXXX XXXX with no warning and no apology decided I was alive again. They sent my cards back, reopened the account. Before the account was marked deceased it had a balance of around {$800.00} and was current. When they reopened it, they added on interest, fees, and missed payments. NEW BALANCE SHOWS AS {$1600.00} with our entire balance from before as past due. They refused to remove these fees, interest, and past due payments unless we PAID a past due of {$600.00}. This was only past due and accumulated because of their error. I tried multiple supervisors. Most couldnt comprehend the situation or even tell me why. I am unable

to purchase a home now as a result. Ive experienced an extreme amount of distress over this. I had to take off of work when it happened because they reported me XXXX. This is the worst display I have ever seen by a credit agency. I could have lost my current home, my VA XXXX that pays for my home, and had my bank accounts frozen. My other credit cards were frozen. My credit score is ruined. I can not buy a new home now as a result of their actions and neglect.
CFPB Complaint No. 4240776, filed March 24, 2021

Identity theft

Texas complaint #1

Attached is latest proof of my claim of fraud. Previously, I have disputed items on my credit report due to identity theft for over 4 years. I had sent arrest and felony conviction information on the person listed in my XXXX Sheriffs report. Today, I am sending my supplement to the sheriff 's report I made in XX/XX/XXXX. I am sending previously sent documents but sending again for your convenience. I hope I am doing all that is right since I have never been in anything like this. I am sending the supplement to XX/XX/XXXX Sheriffs report, The XX/XX/XXXX Sheriffs Report, XX/XX/XXXX Judgement of Conviction on XXXX XXXX XXXX, Mississippi charges on XXXX XXXX XXXX (Notice she also listed her name as XXXX XXXX), Alabama Charges on XXXX XXXX XXXX. Please remove XXXX XXXX from my credit report :
CFPB Complaint No. 4338328, filed April 29, 2021

Texas complaint #2 (Servicemember)

I am a victim of Identity Theft. After discovering it on a credit report I followed the guidance found on Identitytheft.gov and submitted a packet via certified mail containing a notarized Identity theft affidavit as well as a police report and the required documents for Identity verification. Transunion sent a letter back declining to block the information from my report which is a clear violation of Section 605B of the FCRA.
CFPB Complaint No. 4330848, filed April 27, 2021

Texas complaint #3

Someone comprised my personal information in XXXX and opened a XXXX XXXX credit card. At the time I was ignorant about credit so I didn't really monitor my credit score. The imposer ran up a balance. The account hit collections I started receiving letters in the mail and that is what caught my attention. Since XXXX of XXXX I have been sending dispute letters through the mail. I sent an identity theft affidavit, filed an Federal Trade Commission (FTC) report and the account keep coming back verified. On XX/XX/XXXX I called XXXX XXXX and they could not verify me from my date of birth or my residency and confirmed to me that the account was abnormal and was most likely fraud. They then told me I would have to call the credit bureaus so they could handle it. I am tired of them make me go in circles. This situation is really affecting my life. According to 15 USC 1681a (k) (iii) adverse action that doesn't benefit you should not be on your consumer report.
CFPB Complaint No. 4256932, filed March 30, 2021

Kentucky complaint #1

Someone has opened up a card at XXXX XXXX on XX/XX/2021. When I noticed the card on my credit report on XX/XX/2021 I reported it as fraud on both TransUnion and XXXX. I even opened up a fraud alert on identitytheft.org. When I filed the claim on identitytheft.org XXXX took it off immediately. I have filed approx 6 different disputes through TransUnion they keep stating that XXXXXX/XX/XXXX verified information and said it was me. When it wasnt. I have been trying to get in contact with XXXX XX/XX/XXXX since XXXX but the numbers I called would not transfer me to anyone unless I had the card number. I do not have the card number as to I NEVER

opened up the account with them. I have finally was able to contact XXXX IXX/XX/XXXX on XX/XX/2021. I spoke with a XXXX from XXXX XX/XX/XXXXwho couldnt help me and transferred me to XXXX. XXXX advised he had opened up a fraud alert for me and that I should get an affidavit sent to me in the mail within 7-10 days. I called XXXXXX/XX/XXXXback on XX/XX/2021 I spoke to XXXX. I told XXXX what was going on an how I have not received the affidavit, he stated that the account was closed and alerted as Fraud and it was an error on their end and stated AGAIN I should be getting the affidavit in the mail. I STILL have NOT received the affidavit. I called XXXXXX/XX/XXXX again today on XX/XX/2021 spoke to XXXX she could not help me and told me to call back within 1-2 minutes. I call XXXXXX/XX/XXXXAGAIN still XX/XX/2021 spoke to XXXX she stated there never was an alert on the account as fraud and she opened up another fraud alert and stated that there will be an affidavit sent to me in the mail within 7-30 days. I call TransUnion to see if there is something they can do on XX/XX/2021 he advised that there was nothing they can do at this point because XXXX XXXX is still stating that I was the one to open the account when I didnt open the account. He said there was nothing he can do and he will open another dispute but it will most likely get closed again since I had already opened up 5.
CFPB Complaint No. 4330251, filed April 27, 2021

Kentucky complaint #2
Can someone please help me! I am being taken advantage of and it is extremely unfair! My consumer rights are being violated! I noticed some inaccurate/fraudulent items that are reporting to my credit file. I have notified the credit bureaus and have sent them dispute letters over 90 days ago. I have yet to get a response to resolve my problem. I know that the items must be investigated within 30 days of them receiving my dispute letters according to the Fair Credit Reporting Act. I need the disputed items deleted from my credit file immediately. The credit bureaus are also using stall tactics to not respond to me, giving me responses like " they need authorization from me to proceed ''. I have attached my drivers license and a utility bill to verify my identity, can you please see that they delete all accounts that are disputed immediately please.
CFPB Complaint No. 4302189, filed April 15,2021

Pennsylvania complaint
XXXX XXXX XXXX XXXX there is a credit card reporting derogatory info that has my family homeless this is really effecting my livelihood please They open XX/XX/2014 it is a close charge off account that was open without my knowledge i have 75 late payments as a result of experian Not removing this negative fraudulent information I called them directly XXXX XXXX XXXX XXXX they stated I owe them {$700.00} over top of the limit {$400.00} I stated to them I never opened up a account I found a police report I thought the incident report I filed a identity theft report this is hurting me and my family housing situation
CFPB Complaint No. 4332345, filed April 27, 2021

Georgia complaint
On XX/XX/2020 I sent documentation that I had been a victim of identity theft and noticed some unauthorized inquiries and accounts on my report. I was told by the Rep to mail a FTC

report with a copy of my identification and ss card with a list of the inquiries. I has been 60 days with no reponse from the bureau but according to the FTC website it states identity theft should be processed within 5 business days from receipt of documentation. I have the tracking number from where I sent documentation tracking number XXXX and I have heard nothing from the bureaus. This is a violation and these items must be deleted.
CFPB Complaint No. 4330617, filed April 27, 2021

Florida complaint
This is my second message already and I still can not get rid of fake accounts in my profile. Why do I have them still if I filed Identity theft and proved that these accounts are not mine and that somebody just used my personal information? These fraud accounts are killing my report! What else do I need to do in order to make you remove them from my profile. Why Do I have to have this misleading information in my credit report for so long????? Please get my point and take appropriate actions ASAP
CFPB Complaint No. 4330983, filed April 27, 2021

Mixed file

Georgia complaint
XXXX XXXX is reporting on my credit file and I have never had an account with them. My name is very common and I often have issues with Mixed files. I called XXXX XXXX and was on the phone for over an hour and they can not find me in their system under any of my information. They also agreed that maybe it is another XXXX XXXX that is accidentally reporting on my credit or this is fraud. I need this removed as there is nothing you have on file with my information.
CFPB Complaint No. 4239075, filed March 23, 2021

Florida complaint
I am requesting that you immediately delete information off of my credit report that isnt mine. I have filed an Identity Report and I have attached this document below. Also, I do not recognize these accounts and have never incurred debt with these creditors. Thus, I am requesting that you please verify the validity of these accounts, and remove them once its confirmed that they are not mine. It could also be possible you are mixing up these accounts with someone that has a similar name as me.
CFPB Complaint No. 4094395, filed January 26, 2021

Texas complaint
I've contacted this company, I haven't been able to get ahold of anyone. I've never been to this Radiology company. You can compare my social security number to the social on file with this company as well as my date of birth. Nothing will match, I believe this file may be mixed up with someone else. I've done done business or had any services from this business.
CFPB Complaint No. 4160271, filed February 23, 2021