



# Guide for Applying for Credit Repair under the Debt Bondage Repair Act

September 2023

This guide aims to assist practitioners and survivors in applying for relief under the Debt Bondage Repair Act (DBRA). The DBRA allows survivors of human trafficking to block adverse credit information, resulting from their trafficking victimization, from their credit files. The primary objective of this guide is to facilitate the navigation of this process by providing samples and offering context on why specific information is being requested. It should be noted that this guide will be periodically updated as new information becomes available.

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## 1. What is the Debt Bondage Repair Act (DBRA)?

The Debt Bondage Repair Act (DBRA) is an amendment that was added to the Fair Credit Reporting Act (FCRA) in December 2021 and became effective on July 25, 2022.<sup>1</sup> The DBRA aims to help survivors of human trafficking by stopping consumer reporting agencies from sharing any negative consumer information that came from the trafficking experience. This law was made to help survivors block negative information from their credit history, and more importantly, prevent credit agencies from furnishing that information, if that information resulted from their trafficking victimization.<sup>2</sup> The benefits of removing this information can help survivors to rebuild or restart their credit.

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<sup>1</sup> The Fair Credit Reporting Act (FCRA) is 15 U.S.C. § 1681. The Debt Bondage Relief Act is found in section 605C of the FCRA and will be referred to as the “DBRA” throughout this document. The regulations that govern the DBRA can be found in [12 C.F.R. § 1022.142](#).

<sup>2</sup> “Prohibition on Inclusion of Adverse Information in Consumer Reporting in Cases of Human Trafficking,” 87 Federal Register 121 (June 24, 2022), 37700-37724, 37702. <https://www.federalregister.gov/documents/2022/06/24/2022-13671/prohibition-on-inclusion-of-adverse-information-in-consumer-reporting-in-cases-of-human-trafficking>.

To learn more about how to navigate and access consumer rights systems such as the credit system, check out the [CAST/Center for Survivor Agency and Justice \(CSAJ\) three-part Economic Self-Assessment Toolkit](#).

## I.1. Who Can Apply for Credit Relief under the DBRA?

Persons who meet the federal definition of “severe form of trafficking in persons”<sup>3</sup> or “sex trafficking”<sup>4</sup> are eligible to apply for blocking negative credit information under the DBRA. Relief under the DBRA is accessible to U.S. citizens, legal permanent residents, and immigrants (regardless of immigration status).

## I.2. Which Agencies Must Comply with Requests for Credit Repair under the DBRA?

A “consumer reporting agency” means a company or organization that collects and assesses information about people’s credit or other personal details. They do this to create reports about consumers that they then share with other companies.<sup>5</sup>

For the DBRA, all consumer reporting agencies are required to comply.<sup>6</sup> This includes:

- Nationwide consumer reporting companies (i.e., Equifax, Transunion, and Experian)
- Employment screening companies
- Tenant screening companies
- Check and bank account screening companies
- Personal property insurance reporting companies
- Medical consumer reporting companies
- Low-income and subprime reporting companies
- Utility companies
- Retail companies, and
- Gaming companies.<sup>7</sup>

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<sup>3</sup> [12 C.F.R. § 1022.142\(b\)\(4\)](#). The DBRA adopted the Trafficking Victims Protection Act definition of “severe form of trafficking” under 22 U.S.C. §7102(11).

<sup>4</sup> [12 C.F.R. § 1022.142\(b\)\(5\)](#). The DBRA adopted the Trafficking Victims Protection Act definition of “sex trafficking” under 22 U.S.C. §7102(12).

<sup>5</sup> 15 U.S.C. § 1681a(f).

<sup>6</sup> *Supra* note 2, at [37703](#).

<sup>7</sup> A list of consumer reporting companies can be found on the Consumer Financial Protection Bureau website at: <https://www.consumerfinance.gov/consumer-tools/credit-reports-and-scores/consumer-reporting-companies/companies-list/>.

### 1.3. What things can be blocked through the DBRA process?

Any negative or harmful<sup>8</sup> information can be blocked from the survivor's credit report, even if it doesn't directly affect their credit score so long as it resulted from the trafficking. Information that results in items that occurred during or after the trafficking can be blocked from the report if it resulted from the trafficking victimization. This may include things like late payments, unpaid loans, evictions, records of coerced debt, bankruptcy, records of being arrested or convicted of a crime, and records of being evicted for not paying rent.<sup>9</sup>

## 2. Common Terminology for Consumer Rights

- **Adverse Information:** Adverse or negative information refers to information that can have a detrimental impact on your credit, potentially leading to a poor credit rating or affecting your ability to access services like housing, bank accounts, credit cards, etc. In the context of the DBRA, adverse information may also include items that are a result of the trafficking victimization, even if they don't directly affect credit.
- **Blocking:** The term used to describe the process of removing adverse items from a credit report or blocking the information from being reported.
- **Consumer:** An individual who obtains a financial product or service, such as requesting a credit report review and repair. In this document, the term "consumer" specifically refers to the survivor who is seeking credit repair.
- **Credit report:** A statement that has information about an individual's credit activity and current credit situation such as loan paying history and the status of your credit accounts.<sup>10</sup>
- **Item:** Each specific piece of information listed on a credit report.

## 3. Getting Started with Credit Repair Under the DBRA

### 3.1. Pull Credit Report

To determine what information needs to be blocked from a survivor's credit history, survivors or the practitioners assisting them should obtain the credit reports from the three main credit bureaus. These bureaus are Equifax, Experian, and TransUnion. By pulling the credit reports from all three bureaus, they can review the survivor's complete credit history and identify any inaccurate or harmful information that needs to be addressed. This process helps ensure that the survivor's credit history is as accurate as possible.

Consumers have the right to request one free copy of their reports each year. Survivors can request theirs by visiting [AnnualCreditReport.com](https://www.annualcreditreport.com). This website provides reports from the three major credit

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<sup>8</sup> The regulations use the term "adverse information." In the DBRA, "adverse information" means items in the credit report that resulted from being a victim of severe form of trafficking. [12 C.F.R. § 1022.142\(b\)\(ii\)\(A\) and \(c\)](#).

<sup>9</sup> *Supra note 2* at 3771 I.

<sup>10</sup> Consumer Financial Protection Bureau, "What Is a Credit Report?" Consumer Financial Protection Bureau, <https://www.consumerfinance.gov/ask-cfpb/what-is-a-credit-report-en-309/> (last visited September 18, 2023).

bureaus: Equifax, Experian, and TransUnion. You can also request these reports over the phone or by mail.

[Chapter 2](#) of the [CSAJ Guidebook on Consumer & Economic Civil legal Advocacy for Survivors](#) and [Part 3](#) of the [CAST/Center for Survivor Agency and Justice \(CSAJ\) three-part Economic Self-Assessment Toolkit](#) provides in depth information on how to pull credit history and identify issues in a credit report.

Survivors should be aware that the reports obtained from the major credit bureaus might not include all the information found in specialty consumer reports. However, they have the right to obtain **free** copies of reports from specialty companies. The Consumer Financial Protection Bureau (CFPB) provides additional information on how to request these reports, which can be [found here](#).

## 3.2. Identifying Credit History related to the Victimization

Credit reports contain a wealth of information, including personal details, both open and closed credit accounts, accounts in collections, tax liens, bankruptcies, and inquiries for applied credit. Survivors and the professionals supporting them should carefully examine each item to identify the following:

- Items that fall within the timeframe of their trafficking victimization.
- Items that were shared with or controlled by the trafficker.
- Accounts that are unfamiliar and not recognizable.
- Items that appeared after the survivor escaped from the trafficking situation that resulted from the victimization.
- Accuracy in the names and addresses associated with each account.

## 4. What is Needed to Apply?

### 4.1. Proof of Identity

Consumer agencies typically ask for identification to ensure they can connect consumers with their records. Therefore, these agencies usually request names (both current and former), current and former addresses, social security numbers, and date of birth. In the case of human trafficking survivors, consumer reporting agencies must establish “reasonable” guidelines regarding the information needed to verify their identity. These requirements should be adequate for the agency to match consumers with their records and adjust the information accordingly, taking into consideration the potential risks associated with misidentification and potential harm. Practitioners should note that some agencies require identity documentation of the representative assisting the survivor with the request.

Below are the different ID requirements for the three major consumer reporting companies.

## 4.1.1. Equifax Requirements<sup>11</sup>

- Proof of identity, which may include copies of a government issued ID, driver's license, birth certificate, passport, Social Security card or W2
  - Photocopies should be clear and readable
- Attorneys or victim assistance advocates assisting with the request, must also include proof of identity and documentation that the survivor has authorized them to act on their behalf (e.g., valid power of attorney.)

## 4.1.2. Experian Requirements<sup>12</sup>

- One copy of a government issued identification card, such as a driver's license, state ID card, or passport.
- One copy of a utility bill, bank, or insurance statement.
  - Needs to display either former or current name and current mailing address<sup>13</sup> and the date of issue.
  - Cannot accept voided checks, lease agreements, magazine subscriptions or postal service forwarding orders as proof of identity.
- Letter requesting relief should include full social security number, date of birth

## 4.1.3. TransUnion Requirements<sup>14</sup>

- Provide one of the following:
  - Driver's license
  - Government-issued ID
  - Passport
  - Utility bills
  - Social Security card
  - Birth certificate
- If a survivor cannot provide one of the above documents, they can call 833-982-4057 to verify their identity.
  - These questions will pertain to the survivor's past residences, individuals who may have shared credit with them, and similar topics. The questions are random and automated, generated based on the survivor's responses during the phone call. Importantly, these questions will not be connected to the victimization or inquire about any details related to the victimization.

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<sup>11</sup> "I have information on my Equifax credit report that is a result of being a victim of human trafficking. What can I do?" Equifax, <https://www.equifax.com/personal/help/credit-reports/human-trafficking/>.

<sup>12</sup> "Assistance for survivors of human trafficking." Experian, <https://www.experian.com/help/assistance-for-survivors-of-human-trafficking.html>.

<sup>13</sup> This address is distinct from the "preferred method of contact," which enables a survivor to choose how they prefer a consumer reporting agency to reach out to them, either through written communication or email. [12 C.F.R. § 1022.142\(b\)\(6\)\(ii\)\(b\)](#). The purpose of the current mailing address is to connect the consumer with their records.

<sup>14</sup> "Human Trafficking Survivor Resources: Reclaim Control of Your Credit." Transunion, <https://www.transunion.com/human-trafficking>.

## 4.2. Victim Determination Documentation (VDD)

A victim determination documentation (VDD) is an official determination stating that a consumer is a victim of trafficking and eligible for relief under the DBRA. The simplest way to fulfill this requirement is by providing a government-issued document that confirms the consumer's status as a trafficking victim (such as a T visa or benefits approval notice). However, the Consumer Financial Protection Bureau (CFPB) allows for a range of acceptable documentation.

It's important for survivors to be aware that if they don't already possess any government-issued documentation, they will need to collaborate with a service provider or government agency to either sign their self-attestation or request that the service provider issue a VDD.

The types of documents that can be considered a VDD can be any **one** of the following documents. (This list is not exhaustive.)

- Documents from a Federal, State, Local, or Tribal Government.<sup>15</sup>
  - HHS Certification letter
  - HHS Eligibility Letter
  - T Visa Approval (I-94 or I-797)
  - Continued Presence Approval
  - U Visa Certification (I-918B) with trafficking as the qualifying crime
  - Court order for vacatur, expungements, or record sealing where the underlying crime was related to the trafficking victimization
  - Criminal court records with the consumer identified as a victim of trafficking (e.g., restitution orders)
  - Victim compensation approval showing trafficking victimization
  - Civil suit complaints, filings, or decisions with decisions related to trafficking
  - State government agency approvals for public benefits that are available to trafficking survivors (e.g., California Trafficking and Crime Victim Assistance program, New York Notice of Confirmation as a Human Trafficking Victim)
- Documentation from a non-governmental agency or a member of a human trafficking task force, who is authorized by a governmental agency to make determinations.<sup>16</sup> (Please refer to the section "[For Service Providers: Getting Authorized](#)" below for more details.)
- A signed statement by the survivor affirming their status as a victim of trafficking. The statement should be signed by an authorized nongovernmental agency, an authorized member of a human trafficking task force, or a governmental agency (at the federal, state, local, or tribal level).

Survivors and practitioners should exercise caution when sharing information or documentation. Although credit companies have privacy and data security protections in place, survivors should always be mindful of limiting the number of companies or individuals who have detailed information about

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<sup>15</sup> [12 C.F.R. § 1022.142\(b\)\(6\)\(i\)\(A\)](#) and *Supra* note 2, Footnote 48 at 37710.

<sup>16</sup> [12 C.F.R. § 1022.142\(b\)\(6\)\(i\)\(B\)](#)

their victimization. They should aim to send documents that solely confirm their status as a victim, without disclosing direct information about their victimization.

## 4.2.1. What is a non-governmental agency for purposes of the DBRA?

A non-governmental agency (also known as a non-governmental organization or NGO). This is a nonprofit organization that is not part of the government. This can include service providers that provide services such as housing, medical care, financial assistance, counseling, legal aid, and other recovery services.

Use these links to find trusted legal and social service providers who are experienced working with survivors of human trafficking:

- Freedom Network USA (members include both legal and social service providers): <https://freedomnetworkusa.org/join-us/>
- OVC grantees working trafficking survivors (includes legal and social service providers, as well as task forces) <https://ovc.ojp.gov/program/human-trafficking/map>
- USCRI-funded agencies/Trafficking Victims' Assistance Program (TVAP) (social service providers) for non-U.S. citizens or Legal Permanent Residents: <https://refugees.org/services-for-survivors/> or <https://refugees.org/agencies/>
  - For placement assistance contact: [TVAP@uscrimail.org](mailto:TVAP@uscrimail.org) or 1-800-307-4712
- National Human Trafficking Hotline (NHTH) (includes legal and social service providers): <https://humantraffickinghotline.org/training-resources/referral-directory>

In order to assist with DBRA relief, NGOs must be [authorized](#). Please note that as of the writing of this guide, not all of the service providers may be considered authorized NGOs. If they are not, please share this guide with them to learn how they may become authorized.

## 4.2.2. Survivor Self-Attestation

If a survivor doesn't have any government-issued documentation attesting to their victimization, they will need to collaborate with an authorized service provider or a government agency to either sign their self-attestation or request that the service provider issue a VDD.

The victim may self-attest to being a victim of human trafficking and attestation may be as simple as “*I attest that I am a victim of trafficking for purposes of section 605C of the Fair Credit Reporting Act. The signature of [NAME], employee of [ORGANIZATION] certifies this statement.*”<sup>17</sup> The statement cannot be sent to a credit reporting company without being signed by an authorized non-governmental agency, human trafficking task force member, or government agency.

A sample survivor self-attestation is [available here](#).

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<sup>17</sup> *Supra* note 2 at [37710](#).



## 4.2.3. Considerations before using Law Enforcement or a Governmental Agency for a VDD

Before engaging law enforcement in the credit repair process, it is recommended to consult local agencies or service providers to gain insights into how law enforcement typically handles matters related to survivors in this specific context, based on their experience. It is crucial to determine whether law enforcement agencies are willing to accept survivor statements without initiating an investigation or filing a report, and unless they have obtained the survivor's consent.

If a survivor has not previously filed a report, and law enforcement or a government agency uses the provided information to initiate an investigation, it's important to note that such information may not be protected from disclosure or sharing with a perpetrator, as it does not fall under the confidentiality and privilege requirements typically applicable to law enforcement or government agencies. The Fair Credit Reporting Act permits federal, state, and local law enforcement and government agencies to access basic identifying information.<sup>18</sup> These agencies can also access detailed information through a court or subpoena.<sup>19</sup> This underscores the importance of both service providers and survivors understanding the circumstances and procedures under which law enforcement or government agencies will make use of the provided information.

## 4.3. Letter Requesting Negative Information be Blocked

Each credit reporting company requires a letter that identifies the negative information that should be blocked from the credit report. The letters are required to (1) identify each item of adverse information and (2) provide a consumer's preferred method of contact so that the consumer reporting agency can contact the survivor.<sup>20</sup>

A letter that meets the requirements of all three agencies can be [found here](#). Below, please find more information on the instructions provided by the major credit reporting companies.

### 4.3.1. Equifax<sup>21</sup>

A statement identifying (1) the specific items of adverse information on the Equifax credit report that resulted from human trafficking (for example, by including the account number and creditor name) and (2) the mailing address (or email address) that Equifax should use to communicate with the consumer in writing about the request.

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<sup>18</sup> [15 USC §1681f](#)

<sup>19</sup> [15 USC §1681b\(a\)\(1\)](#)

<sup>20</sup> [12 C.F.R. § 1022.142\(b\)\(6\)\(ii\)](#)

<sup>21</sup> *Supra* note 10

### 4.3.2. Experian<sup>22</sup>

Survivors must identify the negative information on their credit report that resulted from trafficking. This documentation should include a statement that identifies different debts or items on the credit file that were connected to, or were a result of, trafficking.

Experian recommends the CFPB sample letter which can be [downloaded here](#).

### 4.3.3. TransUnion<sup>23</sup>

In the letter, identify the adverse items of information that are on your credit report as a result of the trafficking.

TransUnion also recommends the use of the [CFPB sample letter](#) or the survivor can supply their own written letter.

## 4.4. How to Submit Requests

Each credit reporting agency has its own distinct process for submitting letters to request the removal of adverse items. It is strongly advised that survivors and practitioners visit the websites of each reporting agency or directly contact them for additional information. This is especially important when dealing with specialty reporting agencies that may not have easily accessible information. It's essential to note that the survivor will need to submit a separate letter to each individual credit reporting agency. **Blocking an adverse item from one credit reporting agency does not automatically block it from the others.**

Below find the requirements for the three major credit reporting agencies.

### 4.4.1. Equifax Options for Submission<sup>24</sup>

<p>Mail Submission:</p> <p>Equifax Information Services, LLC P.O. Box 105874 Atlanta, GA 30348</p>	<p>Online Submission:</p> <ul style="list-style-type: none"><li>• Create a free account on <a href="#">myEquifax</a></li><li>• Visit the Dispute Center</li><li>• Click link in the “For Victims of Trafficking” section</li></ul>
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### 4.4.2. Experian Options for Submission<sup>25</sup>

<p>Mail submission:</p>	<p>Online submission:</p>
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<sup>22</sup> *Supra* note 11.

<sup>23</sup> *Supra* note 12.

<sup>24</sup> *Supra* note 10.

<sup>25</sup> *Supra* note 11.

<p>Experian P.O. Box 1069 Allen, TX 75013</p>	<p>Upload documents to <a href="https://www.experian.com/consumer/upload/">https://www.experian.com/consumer/upload/</a></p>
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### 4.4.3. TransUnion Options for Submission.<sup>26</sup>

<p>Mail submission: (Dedicated mailbox for survivors)</p> <p>TransUnion P.O. Box 159 Woodlyn, PA 19094</p> <p>TransUnion recommends that if the information doesn't include at least one account, survivors mail their requests.</p>	<p>Online submission:</p> <ul style="list-style-type: none"> <li>• Create a free account in the TransUnion Service Center: <a href="https://service.transunion.com/dss/login.page?dest=dispute">https://service.transunion.com/dss/login.page?dest=dispute</a></li> <li>• Select "Dispute" to begin</li> <li>• Select any adverse account or item that is a result of the trafficking</li> <li>• After you select the account(s), follow these steps:             <ul style="list-style-type: none"> <li>○ On the account dispute page, when asked "Why are you disputing" the item, select the option that best matches the reason for your request. You will then be prompted to select a reason for the dispute. <b>There is no specific option for adverse items that resulted from human trafficking, so select the reason you believe best applies to your situation.</b></li> <li>○ If you want, you can add in an optional comment below this section. In the comment field, don't include comments that contain your human trafficking victim status, medical information, personally identifiable information (such as Social Security number) or abusive language.</li> <li>○ Next, at the bottom of the screen, look for the option "Do you want to upload documents related to this dispute?" Check the box next to "Yes" and then click "Save &amp; Continue" to proceed to the Upload Supporting Documents page. This is an important part of the process and will allow you to upload your proof of identity, trafficking victim determination document, letter listing the adverse information you want to block and any other documents to support your request.</li> </ul> </li> </ul>
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<sup>26</sup> *Supra* note 12.

## 5. For Service Providers

### 5.1. Getting Authorized

The preamble to the regulations states that, “where a Federal, State, or Tribal governmental entity has authorized non-governmental organizations or members in a human trafficking task force to make a determination that a consumer is a victim of trafficking, documentation of that determination by one of these entities satisfies the trafficking documentation definition under § 1022.142(b)(6)(i)(A)(2).” **As of the publication of this guide, there is currently no explicit guidance available regarding whether a government-funded service provider alone is considered sufficient for providing victim determinations or signing survivor statements.**<sup>27</sup>

To ensure clarity and avoid confusion, service providers are advised to request a letter or documentation from law enforcement or a government agency explicitly authorizing them to provide victim determinations or sign survivor statements. This will help establish clear authorization and mitigate any potential uncertainties. This authorization can be as simple as an email. A sample authorization letter is [available here](#).

The Office of Trafficking in Persons (OTIP) has provided a blanket authorization to its grantees which can be [accessed here](#).

### 5.2. Engaging with Survivors Who Only Need a Victim Determination Document (VDD)

While service providers are likely to offer assistance with the DBRA as part of their normal service delivery, service providers should recognize that not all survivors require or desire support services. Some survivors may solely contact service provider organizations to obtain a VDD or have their self-attestation signed. In light of this, service providers are encouraged to develop streamlined intake processes specifically designed for survivors seeking assistance solely for the purpose of fulfilling this requirement. This approach ensures efficient and focused assistance for survivors who are primarily seeking help with the DBRA process.

## 6. For Law Enforcement

Law enforcement and government agencies are authorized to conduct victim determination documentation for survivors of human trafficking. However, it is strongly recommended that these agencies engage with non-governmental organizations (NGOs) in this process. These specialized NGOs have professionals trained in conducting comprehensive trafficking assessments that encompass not only the standard assessments but also take into consideration services for the survivor's physical,

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<sup>27</sup> At the April 2024 Freedom Network Conference, the Office for Victims of Crime (OVC) announced that they would not provide blanket authorization to their grantees, as they believe they lack the authority to grant permission for their grantees to provide the VDD letters. Consequently, OVC grantees will need to individually seek authorization, unless the organization is also funded by OTIP. See the OVC Human Trafficking Program FAQs for more information: <https://ovc.ojp.gov/program/human-trafficking/ovc-human-trafficking-program-faqs#featured-faq>.

emotional, and psychological well-being. NGOs also have a range of privacy and [privilege protections](#) to ensure the confidentiality and security of survivor information.

When survivors approach law enforcement or government agencies, those officers should refrain from initiating formal reports or investigations unless survivors voluntarily opt into a formal investigation. Many survivors may solely be seeking assistance through the DBRA and may not wish to pursue further legal action. In such cases, survivors may contact law enforcement or the government agency solely to request a signature for their self-attestation or a victim determination document (VDD). If there are no NGOs available to provide these DBRA support services in the vicinity, it is recommended that law enforcement or the government agency either sign the self-attestation on behalf of the survivor or provide their own victim determination document as appropriate.

Law enforcement should exercise particular care when documenting information related to their work with survivors under the DBRA, as they are subject to [Brady and Giglio obligations](#) in the event of a prosecution against the trafficker. These obligations may require the disclosure of specific information to the defendant as mandated by law. NGOs, on the other hand, are not subject to the same obligations, which is why law enforcement may consider referring these requests to NGOs rather than handling them directly.

A sample Victim Determination Document (VDD) for law enforcement is [provided here](#). It's important for law enforcement and government agencies to be aware that the sample VDD includes all the required information for the VDD process. Survivors are not required to submit any additional evidence for DBRA relief, meaning they do not need to provide evidence of a formal report or investigation.

## 7. What Happens After Submission

The Regulations dictate specific time frames within which consumer reporting agencies must respond after receiving a request for blocking. The chart below outlines the timelines that credit reporting agencies are obligated to meet. It is important to note that submissions sent by mail may require additional time compared to online submissions.

Timeframe within receiving submission	Requirement for Credit Reporting Agency
4 business days	Block the reporting of any adverse item of information identified by the consumer. <sup>28</sup>
5 business days	Notify a consumer if additional information is necessary for the purpose of completing the submission and attempt to resolve any deficiency in the consumer's submission. <sup>29</sup>

<sup>28</sup> [12 C.F.R. § 1022.142\(e\)\(1\)](#)

<sup>29</sup> [12 C.F.R. § 1022.142\(e\)\(2\)\(i\)](#)

Timeframe within receiving submission	Requirement for Credit Reporting Agency
25 business days	Make a final determination on the consumer's submission. <sup>30</sup>
5 business days after final determination	Provide written or electronic notice to a consumer of actions performed in response to a consumer's submission. <sup>31</sup>
For a period of 7 years	Must retain evidence of all such submissions. <sup>32</sup>

(Adapted from Polaris Project/NJ Coalition Against Human Trafficking – [Credit Repair for Survivors of Human Trafficking](#))

## 7.1. If Additional Information is Requested

The consumer reporting agency is only permitted to request additional information under two circumstances:

1. If they are unable to reasonably confirm the identity of the consumer or the consumer's representative.
2. If the consumer has not provided a Victim Determination Documentation (VDD).

However, it is important to note that the agency is prohibited from requesting information regarding the specific circumstances of the consumer's victimization. The focus should be on confirming identity and obtaining the necessary documentation, rather than delving into the details of the consumer's victimization.<sup>33</sup>

## 7.2. Approvals

If the request is approved, the consumer reporting agency must provide a notice within 5 business days. The notice of the approval must contain:

1. A statement that the review is complete.
2. A statement explaining the outcome.
3. Provide a new free consumer report to the consumer with the revised information.
4. A description of the procedures used to make the determination.<sup>34</sup>

If survivors don't receive a new consumer report, they should request an updated report to confirm that all adverse information has been blocked.

<sup>30</sup> [12 C.F.R. § 1022.142\(e\)\(2\)\(ii\)](#)

<sup>31</sup> [12 C.F.R. § 1022.142\(f\)\(1\)](#)

<sup>32</sup> [12 C.F.R. § 1022.142\(g\)](#)

<sup>33</sup> *Supra* at note 27.

<sup>34</sup> [12 C.F.R. § 1022.142\(f\)\(1\)](#). See also “Fast Facts: FCRA and Regulation V Human Trafficking Rule.” CFPB, [https://files.consumerfinance.gov/f/documents/cfpb\\_fcra-trafficking\\_fast-facts.pdf](https://files.consumerfinance.gov/f/documents/cfpb_fcra-trafficking_fast-facts.pdf).

## 7.3. Denials

Consumer reporting agencies are only allowed to deny requests to block information in the following cases:

1. If they are unable to confirm the identity of the consumer or the consumer's representative.
2. If the consumer is unable to provide a Victim Determination Documentation (VDD).
3. If the consumer reporting agency cannot properly identify the adverse items.

Importantly, consumer reporting agencies are not permitted to deny requests based on the validity of the circumstances outlined in the trafficking documentation. The focus should be on verifying identity and accurately identifying the adverse items, rather than questioning the validity of the provided documentation regarding the trafficking circumstances.<sup>35</sup>

If the consumer reporting agency denies a request to block information, they must inform the consumer within 5 business days. They are also required to provide a way for the consumer to appeal the denial or cure the reason for the denial. This gives the consumer an opportunity to provide more information or take necessary steps to resolve the issue that led to the denial.<sup>36</sup>

## 8. Important Advisories Prior to Applying

### 8.1. Credit History will be Erased

The credit score is calculated based on various factors, and one of those factors is the length of credit history. Blocking certain adverse information from a survivor's credit history may result in the elimination of their credit history or give the appearance of no credit history. This can potentially lower their credit score or make it appear less favorable since creditors prefer to see a track record of credit repayment.

Survivors should be informed about the potential impact on their credit score when deciding which adverse information to have blocked. It's important to note that credit scores are not solely determined by the length of credit history. Survivors are advised to utilize credit score estimators or calculators to assess how the removal of specific items can potentially impact their credit score.

Free tools such as [CreditKarma's Credit Score Simulator](#) can help survivors to simulate the impact of removing certain items.

### 8.2. Debt Will Continue to Exist

It's crucial for survivors and service providers to understand that even if the survivor successfully has adverse information blocked, they will still be obligated to pay down the debt that was accrued. Removing adverse information from credit reports does not absolve individuals of their debts.

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<sup>35</sup> [12 C.F.R. § 1022.142\(e\)\(4\)](#)

<sup>36</sup> [12 C.F.R. § 1022.142\(f\)\(2\)\(v\)](#)

The process of addressing ongoing debts is managed through other forms of relief. For more information on how to handle coerced debt, please refer to the [Center for Survivor Agency and Justice's Compendium on Coerced Debt](#), especially [Part 4: Legal Strategies to Address Coerced Debt](#). This resource can provide valuable guidance on addressing debt-related issues that survivors may encounter.

## 9. Credit Bureau Phone Numbers for Assistance

All three major credit bureaus offer support lines where individuals can contact agents to inquire about the process and the specific information required.

- Equifax: (833) 240-3461
- Experian: (833) 420-2893
- Transunion: (833) 982-4057

## 10. Checklist

- Credit report to identify adverse items
- One victim determination document (Refer to [list of documents](#) for examples)
  - [Sample Survivor Self-Attestation with Authorization](#)
  - [Sample NGO VDD](#)
  - [Sample LEA/Government Agency VDD](#)
- Proof of identity
  - Check individual consumer reporting websites if identification for representative is needed
- Letter requesting removal of adverse documents
  - Include preferred method of survivor's preferred form of contact
  - [CFPB Sample](#) or [CAST Sample](#)

## 11. Additional Resources

- Polaris Project/NJ Coalition Against Human Trafficking – [Credit Repair for Survivors of Human Trafficking](#)
- [Survivor Inclusion Initiative](#) - A dedicated coalition of survivor support organizations, financial institutions and other groups to facilitate survivor access to basic financial services and literature aimed at helping survivors' financial recovery to become full financial participants in their communities.
- [CAST/CSAJ three-part Economic Self-Assessment Toolkit](#) to help survivors and advocates navigate and access economic and consumer rights systems and resources. This toolkit was designed to be self-guiding as there may be a number of survivors who have economic and consumer rights issues but are no longer, or were never engaged, with service providers or advocates.



- [CSAJ Guidebook on Consumer & Economic Civil Legal Advocacy for Survivors](#) – A Comprehensive and Survivor Centered Guide for Domestic Violence Attorneys and Legal Advocates
- [CSAJ Compendium on Coerced Debt](#)
- [Identity Theft Resource Center Help Center](#)
- [Maryland Volunteer Lawyer Service: Consumer Debt and Credit Repair for Trafficking Survivors \(Video/Slides\)](#)

## 12. Further Questions

If you have additional questions, please submit an individual technical assistance request here:

[https://casttta.nationbuilder.com/individual\\_ta](https://casttta.nationbuilder.com/individual_ta).

If you are a survivor in need of troubleshooting assistance and are not affiliated with an authorized NGO, please reach out to the [Identity Theft Resource Center](#).

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