



BRIEFING PAPER

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Constituency Casework: Identity Theft

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Summary

This briefing paper provides information to assist Members of Parliament and their staff in dealing with enquiries from constituents on identity theft and identity fraud. It includes some sources of advice on: the signs that identity theft may have occurred, the steps to take in the event of identity theft/fraud, and how to reduce the risk of identity theft.

1. What is identity theft/fraud?

1.1 Identity theft

Action Fraud, the UK's national reporting centre for fraud and internet crime, describes identity theft as "when your personal details are stolen".¹ Identity theft can occur whether the victim is alive or deceased.² Personal information can include name, date of birth, and current or previous addresses. Such information may be obtained in a number of different ways,³ including:

Trashing – obtaining discarded documents from rubbish bins, or stealing documents from their owner.

Phishing – sending emails purporting to be from a reputable organisation, in order to trick victims into revealing their personal information.

Smishing – sending SMS text messages to trick victims into revealing their personal information.

Vishing – using the telephone system to trick victims into revealing their personal information.

1.2 Identity fraud

Identity fraud occurs when a stolen identity is used in criminal activity to obtain goods or services by deception. For example, fraudsters may use stolen identity details to: open bank accounts, obtain credit cards, order goods, apply for state benefits, or obtain genuine documents such as passports and driving licences.⁴ Identity fraud can be traumatic for the victim. It may lead to personal financial loss and make it difficult for victims to obtain loans, credit cards or a mortgage.⁵

1.3 Extent of identity theft/fraud

The extent of identity theft/fraud in the UK is difficult to measure. Some individuals may be unaware they have been a victim of crime, others may be reluctant to report the offence to the authorities. The level of

Identity theft is when your personal details are stolen.

Identity fraud is when a stolen identity is used in criminal activity.

¹ Action Fraud, [Identity fraud and identity theft](#) [accessed 30 November 2015]

² Ibid

³ Wall, S., [Future identities: changing identities in the UK – the next 10 years](#), Government Office for Science, January 2013

⁴ Action Fraud, [Identity fraud and identity theft](#) [accessed 30 November 2015]

⁵ Ibid

fraud reported via administrative sources is therefore thought to significantly understate the true level of such crime.⁶ The Office for National Statistics (ONS) provides data on the number of reported fraud offences, but does not specify how many of these relate to identity fraud. However, from 2016 more extensive data on victims' experiences of fraud and cyber crime will be collected through the Crime Survey for England and Wales (CSEW).⁷ A survey conducted by the National Fraud Authority (NFA) in December 2012 found that over one-quarter (27%) of respondents had experienced identity fraud at some point in time. On the basis of this survey the NFA estimated that £3.3 billion is lost each year across the UK because of identity fraud.⁸

2. Signs that identity theft/fraud may have occurred

Some individuals may not be immediately aware that they have been a victim of crime. [The Information Commissioner's Office offers guidance](#) on the signs that identity theft/fraud may have occurred.

What signs should I look out for?

There are a number of signs to look out for that may mean you are or may become a victim of identity theft:

- You have lost or have important documents stolen, such as your passport or driving licence.
- Mail from your bank or utility provider doesn't arrive.
- Items that you don't recognise appear on your bank or credit card statement.
- You apply for state benefits, but are told you are already claiming.
- You receive bills or receipts for goods or services you haven't asked for.
- You are refused financial services, credit cards or a loan, despite having a good credit rating.
- You receive letters in your name from solicitors or debt collectors for debts that aren't yours.⁹

⁶ Office for National Statistics, [Statistical bulletin: Crime in England and Wales, Year Ending June 2015](#), page 91, 15 October 2015

⁷ Office for National Statistics, [Improving crime statistics in England and Wales](#), 15 October 2015

⁸ National Fraud Authority, [Annual Fraud Indicator – June 2013](#), 2013

⁹ Information Commissioner's Office, [Identity theft](#) [accessed 30 November 2015]

3. Reporting identity theft/fraud

If someone believes they are a victim of a crime they can report it to their local police on the UK non-emergency telephone number 101. Although identity theft is not a specific criminal offence, there are a number of other criminal offences which may be charged in cases of identity theft and fraud.¹⁰ These include: theft, fraud by false representation, possession of articles for use in fraud, obtaining services dishonestly and false accounting.¹¹

The police have a general duty to uphold the law, but they are not legally obliged to investigate all crimes. It is up to individual police forces and investigation teams to decide what time and resources to dedicate to any particular case. For further information see Library Standard note, SN/HA/4230, [The duty of the police to enforce the law](#).

3.1 Action Fraud

Victims can also report identity fraud to Action Fraud, the UK's national fraud and internet crime reporting centre. The service is run by the City of London Police working alongside the National Fraud Intelligence Bureau (NFIB). Victims can [report identity fraud](#) using the Action Fraud online reporting tool, or by speaking to specialist fraud advisers on 0300 123 2040. The service enables victims to both report a fraud and find help and support. On receipt of a fraud report, Action Fraud will provide the victim with a police crime reference number and the case will be referred on to the NFIB. Although the police cannot investigate every report individually, this information enables the police to build up intelligence to help prevent fraud.¹²

[The Information Commissioner's Office offers guidance](#) on the steps to take in the event of identity theft/fraud.

You can report identity fraud to Action Fraud by using their [online fraud reporting tool](#), or by speaking to specialist fraud advisers on [0300 123 2040](#)

What can I do if I'm a victim of identity theft?

Act quickly to ensure you are not liable for any financial losses.

- Report all lost or stolen documents, such as passports, driving licences, credit cards and cheque books to the organisation that issued them.
- Inform your bank, building society and credit card company of any unusual transactions on your statement.
- Request a copy of your credit file to check for any suspicious credit applications.
- Report the theft of personal documents and suspicious credit applications to the police.
- Contact CIFAS (the UK's Fraud Prevention Service) to apply for [protective registration](#).¹³

¹⁰ Wall, S., [Future identities: changing identities in the UK – the next 10 years](#), Government Office for Science, January 2013

¹¹ [HC Deb 18 December 2012 c718W](#)

¹² Action Fraud, [Reporting Fraud and Cyber Crime](#) [accessed 30 November 2015]

¹³ Information Commissioner's Office, [Identity theft](#) [accessed 30 November 2015]

4. How to get a copy of a credit record

4.1 Who to contact

Individuals who suspect that they may be victims of identity fraud in respect of financial products (e.g. cheque, credit or debit card, or other financial products) may want to obtain a copy of their credit record so that they can see if there has been any fraudulent activity.

Under section 7 of the *Data Protection Act 1998*, individuals have the legal right to contact any of the credit reference agencies and ask for a copy of their credit reference file. Each credit reference agency is allowed to charge an administration fee of £2. On receipt of the request and the fee, the credit reference agency has 7 working days in which to send a copy of the file. The addresses of three of the main credit reference agencies are:

- [Call Credit Plc](#) (see their [Statutory Credit Report](#) page)
- [Equifax Plc](#) (see their [Statutory Credit Report](#) page)
- [Experian Ltd](#) (see their [Statutory Credit Report](#) page)

The agencies also offer other services, such as instant access to a credit reference file. There may be a higher fee for these extra services.

4.2 How to correct a credit record

If any of the information contained in the credit reference file is incorrect then this may be corrected by writing directly to the credit reference agency. The letter should include:

- the credit reference file number;
- an explanation of what information is wrong and why; and
- proof to show why the information is wrong.

It is advisable to keep a copy of any letters sent. On receipt of the letter the credit reference agency has 28 days to either:

- remove the entry from the file;
- amend the entry;
- insert a 'notice of correction'; or
- take no action.

If the entry is amended, the agency should send a copy of the amended entry. The agency should also send the amended details to any lender that has searched against that person's credit file in the last 6 months.

A 'notice of correction' is a short statement (maximum 200 words) written by the person wishing to amend their credit reference file, which can be added to an entry on their file to explain the background to that information. The notice should clearly and accurately explain why the person thinks a particular entry on their credit reference file is wrong. The notice will be seen by anyone who looks at the credit reference file and should be taken into consideration should the individual apply for credit.

The Information Commissioner's Office leaflet, [Credit explained](#), contains information on credit records, and how to make a complaint against a credit reference agency.

The Information Commissioner's Office leaflet, [Credit explained](#), contains further information on credit records, and how to make a complaint against a credit reference agency.¹⁴

5. Reducing the risk of identity theft

[The Information Commissioner's Office offers guidance](#) on how to protect personal information and reduce the risk of identity theft.

How can I reduce the risk of identity theft?

- Store any documents carrying personal information – such as your driving licence, passport, bank statements, utility bills or credit card transaction receipts – in a safe and secure place.
- Shred or destroy your old documents so that nothing showing your name, address or other personal details can be taken.
- Monitor your credit report and regularly check your credit card and bank statements for suspicious activity.
- When you move house, contact your bank, credit and store card providers, mobile phone provider, utility providers, TV licensing, your doctor and dentist etc, and give them your new address – you don't want the new tenants to have access to letters containing your personal information. You can also redirect your mail by contacting Royal Mail.
- Remember, less is more. The less you give away about yourself, the lower the risk of information falling into the wrong hands.
- Think before you buy online – use a secure website which displays the company's contact details, look for a golden padlock symbol and a clear privacy and returns policy. Check the web address begins with https.¹⁵

CIFAS is a not-for-profit fraud prevention data sharing organisation whose members share information about confirmed fraudulent activity.¹⁶ For a fee, CIFAS offer Protective Registration, a service that aims to minimise the risk of an individual's details being used fraudulently. For further details, see [CIFAS - Protective Registration](#).

¹⁴ Information Commissioner's Office, [Credit explained](#), October 2015

¹⁵ Information Commissioner's Office, [Identity theft](#) [accessed 30 November 2015]

¹⁶ CIFAS, [home](#) [accessed 30 November 2015]

Other sources of information and advice on identity theft/fraud include:

- The Action Fraud website provides advice for individuals affected by identity theft/fraud, including [Tips to prevent identity crime](#) and [How to report a fraud](#).
- [Royal Mail](#) offers advice on how to avoid identity theft and what to do if someone suspects their mail is being stolen or redirected on their [Protect yourself from identity theft](#) page.
- [Getsafeonline.org](#) has a [fraud page](#) which lists the 11 most common types of fraud and provides advice on how individuals can protect themselves from becoming a victim.
- [Cyber Streetwise](#), a cross-government campaign to improve online safety behaviour, provides [advice on how individuals can protect themselves online from identity theft](#).
- [Victim Support](#), an independent charity for victims and witnesses of crime in England and Wales, provides free, confidential advice and support.

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