

100 Fraud and Consumer Protection Division

101 Identity Theft Passports

**1.0 Scope**

- 1.1 An identity theft passport is available to a person who is a victim of identity theft as defined in 11 **Del.C.** §854 and who has filed a police report with a law enforcement agency in this State.
- 1.2 A law enforcement agency with jurisdiction over the residence of the victim shall take a report from a person who knows or reasonable believes that he or she has been the victim of identity theft. 6 **Del.C.** §2204(a).
- 1.3 An identity theft passport is not available for identity mistake or loss of documents containing identifying information.

**2.0 Application**

- 2.1 A victim may request an application from the Office of the Attorney General, 820 N. French St. 5<sup>th</sup> Floor Wilmington, DE 19801, from the police agency taking the report, or online at <http://www.state.de.us/attgen/default.shtml>
- 2.2 The application will contain at a minimum:
  - 2.2.1 The name, gender, date of birth, place of birth, address, and phone number of the applicant;
  - 2.2.2 the county and state where the theft occurred;
  - 2.2.3 a description of the identity theft incident;
  - 2.2.4 the identity of the person who stole the information, if known;
  - 2.2.5 the signature and certification of the applicant; and
  - 2.2.6 any other information deemed necessary by the Attorney General.
- 2.3 The police agency that takes the police report is responsible for transmitting the report and the application to the Attorney General for further processing.

**3.0 Qualification**

- 3.1 A designee of the Attorney General will review the application, police report, and any other information necessary to determine whether he or she is reasonably assured that the identity theft claim is legitimate and adequately substantiated.
  - 3.1.1 Documents that may substantiate a claim of identity theft include, but are not limited to:
    - 3.1.1.1 receipts or bills from creditors showing unauthorized use of a credit card;
    - 3.1.1.2 utility accounts created using the applicant's name without permission;
    - 3.1.1.3 fraudulent checks or bank statements; or
    - 3.1.1.4 any other evidence that the applicant's identity has been used without consent to commit or facilitate a crime prohibited in Title 11 of the **Delaware Code**.
- 3.2 Only police reports submitted by a Delaware law enforcement agency will support an application for an identity theft passport.
- 3.3 An applicant who is approved will be issued the identity theft passport by the Attorney General.

**4.0 Use of the Identity Theft Passport**

- 4.1 An identity theft passport can be presented as follows:
  - 4.1.1 to a law enforcement agency to help prevent the victim's arrest or detention for an offense committed by someone using the victim's identity;
  - 4.1.2 to any of the victim's creditors to aid in a creditor's investigation and establishment of whether fraudulent charges were made using the victim's account(s);

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4.1.3 to a consumer reporting agency as defined in the Fair Credit Reporting Act which must accept the passport as an official notice of a dispute and must include notice of the dispute in all future reports that contain disputed information caused by the identity theft.

4.2 Acceptance or rejection of the passport presented to a law enforcement agency or credit as provided in 4.1.1 and 4.1.2 is at the discretion of the law enforcement agency or creditor.

**5.0 Changes**

5.1 Name or address changes shall be reported promptly to the Consumer Protection Unit, Office of the Attorney General, 820 N. French Street 5<sup>th</sup> floor, Carvel State Office Building, Wilmington, DE 19801.

5.2 The identity theft passport shall be returned to the above location and a new passport will be issued with the new information.

**6.0 Lost or Stolen Passports**

6.1 A person who is issued an identity theft passport shall immediately notify the Consumer Protection Unit of the Office of the Attorney General if the passport is lost or stolen.

6.2 The lost or stolen passport will be replaced upon proper application.

**7.0 Expiration**

7.1 An identity theft passport will expire three years after it was originally issued.

7.2 An identity theft passport may be renewed if there are continuing detrimental effects of the identity theft that may be mitigated by the renewal of the passport.

**10 DE Reg. 1151 (01/01/07)**