



ATTORNEY GENERAL TARGETS DATA DUMPING

by Texas Attorney General Greg Abbott

IDENTITY THEFT REMAINS ONE OF the nation's fastest growing crimes. The more than 25,000 Texans who are affected by identity theft every year spend countless hours trying to repair their credit and recover hundreds or even thousands of lost dollars.

Identity thieves commonly obtain paper documents or computer hard drives that contain sensitive personal information, including names, addresses, Social Security numbers, bank account numbers and other personal information.

Too often, identity thieves have easy access to sensitive information because documents have not been properly discarded. Trash bins outside of homes or businesses contain personal information that identity thieves can use to inflict financial disaster on unsuspecting consumers.

Consumers can take steps to protect themselves from identity theft by destroying personal documents before discarding them. Paperwork that includes names, addresses, Social Security numbers, bank account numbers, and credit or debit information should be shredded or otherwise destroyed before it is thrown away.

Consumers who donate or dispose of computer hardware should first remove all personal information. Deleting files or reformatting the hard drive may not be enough to remove these files. Consumers should contact a technology

professional to learn more about properly deleting personal information. Consumers should also consider utility software, which "wipes" or overwrites the entire hard drive. Similar steps should be taken when disposing of wireless devices, including cell phones or personal digital assistants (PDAs).

Legislative leaders recognized the importance of protecting sensitive consumer information. In 2005, the Texas Legislature passed the Identity Theft Enforcement and Protection Act, which requires businesses to shred, erase or otherwise make unreadable any personal identifying information they collect from their customers. Texas law also requires businesses to develop retention and disposal procedures for customer records. Businesses must adhere to any published privacy policies.

The Office of the Attorney General is aggressively cracking down on violations of these privacy laws. Just last month, we took legal action against a Texas-based pawn shop chain for repeatedly failing to protect customer records that contain sensitive personal information. Investigators discovered that EZPAWN stores across Texas had exposed customers to identity theft by throwing out hundreds of customers' financial records, including promissory notes and bank statements.

We also took legal action after a RadioShack store in Corpus Christi

similarly dumped thousands of customer credit applications that included active credit and debit card numbers. Among the records was a receipt from a woman who, ironically, purchased a shredder from RadioShack in order to protect herself from identity theft.

In yet another case, our investigators found that a CVS/pharmacy near Houston improperly discarded customer records in garbage cans behind the store. The discarded documents included medical prescription forms with each customer's name, address, issuing physician and the type of medication prescribed. Investigators also discovered many active credit card numbers.

Businesses have much at stake when it comes to the problem of identity theft. According to the Federal Trade Commission, identity theft costs businesses and banks more than \$50 billion a year. Many of these losses stem from credit card fraud and bogus telephone and utility accounts.

Protecting consumers' personally identifying information is in the best interest of consumers and businesses alike. Texans who take steps to protect sensitive personal information must be able to rely on businesses and government to do the same. The Office of the Attorney General will continue aggressively enforcing identity theft laws and protecting Texas consumers.

POINTS TO REMEMBER



PROTECT YOUR PERSONAL DATA

Just Shred It! Shred all paperwork that includes sensitive personal or financial information.

When disposing of a computer or wireless device, first clear it of all personal information or contact a technology expert about properly erasing all files.

If you have been the victim of identity theft, access our ID Theft Kit online at www.oag.state.tx.us

Texas Laws for Safeguarding Customer Records

Identity Theft Enforcement and Protection Act Chapter 48, Business and Commerce Code, requires businesses to safeguard and destroy personally identifying information collected from customers.

Chapter 35, Business and Commerce Code, requires businesses to develop retention and disposal procedures for customer records.

Texas Deceptive Trade Practices Act requires companies to operate in accordance with their published policies.

To access applicable Texas statutes, log onto www.capitol.state.tx.us

To report improper document dumping, contact local law enforcement, or call the Office of the Attorney General at **800-252-8011**.

For more information on this and other consumer topics, visit the Attorney General's Web site at www.oag.state.tx.us



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