

115TH CONGRESS
1ST SESSION

H. R. 3766

To amend the Fair Credit Reporting Act to require consumer reporting agencies to place a security freeze on a consumer report without a fee if the consumer reporting agency is subject to a breach of data security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2017

Mr. HIMES introduced the following bill; which was referred to the Committee on Financial Services

A BILL

To amend the Fair Credit Reporting Act to require consumer reporting agencies to place a security freeze on a consumer report without a fee if the consumer reporting agency is subject to a breach of data security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Credit Information
5 Protection Act of 2017”.

1 **SEC. 2. SECURITY FREEZES ON CONSUMER REPORTS.**

2 Section 605A of the Fair Credit Reporting Act (15
3 U.S.C. 1681c–1) is amended by adding at the end the fol-
4 lowing:

5 “(i) SECURITY FREEZES.—

6 “(1) IN GENERAL.—A consumer reporting
7 agency described in section 603(p) shall provide to
8 a consumer, upon request, a security freeze on the
9 consumer report of such consumer after a breach of
10 data security at such a consumer reporting agency.

11 “(2) TYPES OF SECURITY FREEZES.—A con-
12 sumer reporting agency shall—

13 “(A) place a security freeze on a consumer
14 report without a fee to any consumer; and

15 “(B) with respect to a consumer that has
16 been specifically notified by the consumer re-
17 porting agency that the consumer was affected
18 by the breach of data security, place or remove
19 an unlimited amount of security freezes, upon
20 request, without a fee.

21 “(3) DEFINITIONS.—In this subsection:

22 “(A) BREACH OF DATA SECURITY.—

23 “(i) IN GENERAL.—The term ‘breach
24 of data security’ means the unauthorized
25 acquisition of sensitive financial account

1 information or sensitive personal informa-
2 tion.

3 “(ii) EXCEPTION FOR DATA THAT IS
4 NOT IN USABLE FORM.—The term ‘breach
5 of data security’ does not include the un-
6 authorized acquisition of sensitive financial
7 account information or sensitive personal
8 information that is encrypted, redacted, or
9 otherwise protected by another method
10 that renders the information unreadable
11 and unusable if the encryption, redaction,
12 or protection process or key is not also ac-
13 quired without authorization.

14 “(B) SECURITY FREEZE.—The term ‘secu-
15 rity freeze’ means a notice placed in a consumer
16 report, at the request of a consumer, that pro-
17 hibits the credit reporting agency from releas-
18 ing the consumer report or any information in
19 the consumer report without the express au-
20 thorization of the consumer.

21 “(C) SENSITIVE FINANCIAL ACCOUNT IN-
22 FORMATION.—The term ‘sensitive financial ac-
23 count information’ means a financial account
24 number relating to a consumer, including a
25 credit card number or debit card number, in

1 combination with any security code, access
2 code, password, or other personal identification
3 information required to access the financial ac-
4 count.

5 “(D) SENSITIVE PERSONAL INFORMA-
6 TION.—

7 “(i) IN GENERAL.—The term ‘sen-
8 sitive personal information’ includes—

9 “(I) a Social Security number;
10 and

11 “(II) the first and last name of a
12 consumer in combination with—

13 “(aa) the consumer’s driv-
14 er’s license number, passport
15 number, military identification
16 number, or other similar number
17 issued on a government docu-
18 ment used to verify identity;

19 “(bb) information that could
20 be used to access a consumer’s
21 account, such as a user name
22 and password or e-mail and pass-
23 word; or

24 “(cc) biometric data of the
25 consumer used to gain access to

1 financial accounts of the con-
2 sumer.

3 “(ii) EXCEPTION.—The term ‘sen-
4 sitive personal information’ does not in-
5 clude publicly available information that is
6 lawfully made available to the general pub-
7 lic and obtained from—

8 “(I) Federal, State, or local gov-
9 ernment records; or

10 “(II) widely distributed media.”.

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