Credit Reports

Fair Credit Reporting

The treatise on credit reporting, with new changes required by Dodd-Frank, new CFPB rules, FTC staff interpretations, and recent case law.

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HOT TOPICS

• Testimony of Chi Chi Wu before U.S. House Financial Services Committee, Oversight & Investigations, on Consumer Credit Reporting: Assessing Accuracy and Compliance, May 26, 2021
• Report: Mismatched and Mistaken: How the Use of an Inaccurate Private Database Results In SSI Recipients Unjustly Losing Benefits and press release, April 2021
• Brief: 2021 Credit & Consumer Reporting Priorities to Promote Economic Recovery, Dec. 2020
• Article: Enforcing the CARES Act Credit Reporting Protections, May 2020
• Report: Broken Records Redux: How Errors by Criminal Background Check Companies Continue to Harm Consumers Seeking Jobs and Housing, Dec. 2019
• Testimony of Chi Chi Wu before the U.S. House Task Force on Use of Alternative Credit Data to Expand Access to Credit, July 2019
• Brief: Past Imperfect: How Credit Scores and Other Analytics “Bake In” and Perpetuate Past Discrimination, May 2016

About 200 million Americans have credit histories on file with the three major credit bureaus, and these bureaus generate more than one billion credit reports each year. Credit reports play a critical role in the economic health of American families. A good credit history enables consumers to obtain credit, and at a fair price. Credit reports are also used by employers, landlords, utility providers, and insurers.

Despite their importance, inaccuracies and errors plague credit reports, with estimates of serious errors affecting up to 25% of reports. The dispute process mandated by the Fair Credit Reporting Act has become a travesty, with the credit bureaus conducting perfunctory investigations by translating detailed written disputes into two or three digit codes and paying foreign workers as little as $0.57 to process each dispute.

NCLC played a key role in the passage of the Fair and Accurate Credit Transactions Act of 2003, and will continue to advocate for consumers to ensure that every American is treated with fairness by the credit reporting system.
Policy Analysis

Credit Reports Policy Briefs, Reports, Articles & Press Releases

- Fact Sheet: An Act Relative to the Use of Credit Reporting in Housing, MA H. 1429/S. 894, the Fair Chance in Housing Act, April 2021
- Fact Sheet: An Act Regulating the Use of Credit Reports by Employers, MA H. 2019/S. 1154, the Fair Chance in Employment Act, April 2021
- Report: Mismatched and Mistaken: How the Use of an Inaccurate Private Database Results In SSI Recipients Unjustly Losing Benefits and press release, April 2021
- Issue Brief: The Credit Score Pandemic Paradox and Credit Invisibility, Feb. 2021
- Issue Brief: Doing Special Purpose Credit Programs Right: Why Programs to Assist Black Communities Should Avoid Conventional Use of Traditional Credit Scores, Feb. 2021
- Press Statement: Consumer Advocates Commemorate the 50th Anniversary of the Fair Credit Reporting Act, Oct. 26, 2020
- Press Release: Consumer and Faith Groups to CFPB Director: Stop Letting Industry Violate the Fair Credit Reporting Act, Sept. 24, 2020
- Issue Brief: Salt in the Wound: How Eviction Records and Back Rent Haunt Tenant Screening Reports and Credit Scores, August 2020
- Article: Enforcing the CARES Act Credit Reporting Protections, May 2020
- Press Release: NCLC Advocate Slams Trump Administration Credit Reporting Guidance for Giving Relief to Creditors and Credit Bureaus But Not Consumers During COVID-19 Pandemic, April 1, 2020
- Issue Brief: Protecting Credit Reports During the Covid-19 Crisis, April 2020
- Press Release: Advocates Applaud Halt to Foreclosures and Bills to Stabilize Homeownership and Protect Credit Reports but Highlight Need for Further Relief During Pandemic, March 19, 2020
- Report: Broken Records Redux: How Errors by Criminal Background Check Companies Continue to Harm Consumers Seeking Jobs and Housing, Dec. 2019
- Report: Don’t Add Insult to Injury: Medical Debt & Credit Reports, November 2019
- Press Release: Consumer and Civil Rights Advocates Condemn Credit Bureaus for Suing Over Language Access Law, October 21, 2019
- Press Release: Legal Experts Decry Credit Bureaus’ Lawsuit to Invalidate Maine Laws Protecting Consumers from Medical Debt and Economic Abuse, Oct. 4, 2019
- Press release: Statement Regarding Credit Report/Score Requirement in DHS Public Charge Regulation, Aug. 12, 2019
- Press Statement Regarding Capital One Data Breach, July 30, 2019
- Press release: National Consumer Law Center Chi Chi Wu to Testify on July 25 before U.S. House on Use of Alternative Credit Data to Expand Access to Credit, July 24, 2019
- Issue Brief: Credit Invisibility and Alternative Data: Promises and Perils, July 2019
- Statement re: Settlement with Equifax over its 2017 Data Breach, July 22, 2019
Press release: Advocates Decry Lack of Compensation in Consumer Bureau Settlement, Dec. 7, 2018
Issue brief: The Wrong Tool for the Wrong Purpose: Why the Credit Scoring Provision in the Immigration Public Charge Proposal Is Illogical and Ill-Advised, Oct. 2018
Press release: National Consumer Law Center Attorney Chi Chi Wu to Testify on October 25 before House Financial Services Committee on Equifax Data Breach, Oct. 24, 2017
Issue Brief: Credit Reports and Forced Arbitration: Will Congress Strip Americans of Their Day in Court?, September 2017
Policy brief: Past Imperfect: How Credit Scores and Other Analytics “Bake In” and Perpetuate Past Discrimination, May, 2016
Solving the Credit Conundrum: Helping Consumers’ Credit Records Impaired by the Foreclosure Crisis and Great Recession, Dec. 2013

Credit Reports Comments and Testimony

- Comments to the Consumer Financial Protection Bureau re: Financial Institutions’ Use of Artificial Intelligence and Machine Learning, Jul. 1, 2021
- Testimony of Chi Chi Wu before U.S. House Financial Services Committee, Oversight & Investigations, on Consumer Credit Reporting: Assessing Accuracy and Compliance, May 26, 2021
- Testimony of NCLC Attorney Ariel Nelson in Support of HB 6528 Before the Housing Committee of the Connecticut General Assembly, Mar. 4, 2021
- Comments in Response to the Social Security Administration’s Notification re: Use of Equifax’s Work Number Subsidiary to Screen SSI and SSDI Recipients, Feb. 18, 2021
- Comments to the CFPB in Response to the ANPR Regarding Consumer Access to Financial Records Under Section 1033 of the Dodd-Frank Act, Feb. 4, 2021
- Testimony of NCLC Attorney Ariel Nelson Before the House Economic Matters Committee of the Maryland General Assembly in Support of MD HB 0642, a Bill Designed to Address Problems with Accuracy in Background Screening Reports, Feb. 3, 2021
- Written Statement for CFPB’s Symposium on Consumer Access to Financial Records, Section 1033 of the Dodd-Frank Act, Feb. 12, 2020
- Testimony of NCLC Associate Director Lauren Saunders before the U.S. House Financial Services Committee on Data Aggregators, Nov. 21, 2019
- NCLC and other advocacy groups comments to the FTC re: Safeguards Rule, Aug. 2, 2019
- Testimony of Chi Chi Wu before the U.S. House Task Force on Use of Alternative Credit Data to Expand Access to Credit, July 2019
- Group comments to the FHFA re: Validation and Approval of Credit Score Models, March 21, 2019
- Testimony of Chi Chi Wu to U.S. House Financial Services: “Who’s Keeping Score? Holding Credit Bureaus Accountable and Repairing a Broken System”, February 26, 2019
- Consumer, Civil Rights, and Privacy Advocates comments to the Department of Homeland Security opposing Notice of Proposed Rulemaking on Public Charge Determinations, Dec. 10, 2018
- Comments to the Federal Housing Finance Agency regarding updating the credit scoring models used by Fannie Mae and Freddie Mac, March 30, 2018
- Comments in Response to Request for Information Regarding Consumers’ Experience with Free Access to Credit Scores, Feb. 12, 2018
- Testimony of NCLC attorney Chi Chi Wu before the U.S. House Financial Services Committee re: Consumer Protections and Equifax Data Breach, Oct. 25, 2017
- Testimony of Chi Chi Wu to U.S. House Financial Services Opposing Weakening FCRA Protections, September 7, 2017
- Group comments to CFPB’s Request for Information on Alternative Data, May 19, 2017

Credit Reports Letters

- Letter from 143 Organizations Urging CFPB to Prohibit Debt Collectors from Reporting Rent Arrears to Credit Bureaus for Debt Accrued During COVID-19 Pandemic, May 6, 2021
- Letter prompted by COVID-19 economic upheaval calling on Equifax, Experian, and TransUnion to provide credit reports in Spanish and other languages used by consumers who are limited English proficient, October 19, 2020. Response from Consumer Data Industry Association (credit bureau trade group), October 29, 2020. Response from Equifax, October 30, 2020
- Support letter for credit reporting provisions of the HEROES Act/S.3508, June 24, 2020
- Consumer Groups’ Letter in Support of H.R.5332 Protecting Your Credit Score Act. (Gottheimer)
- Group Letter urging Congress to include S. 1581/HR 6470 the Medical Debt Relief Act of 2019 in the next Covid-19 relief package, May 11, 2020
- Consumer groups’ letter of support re: Consumer Credit Control Act, Oct. 21, 2019
- Letter in support of the Accurate Access to Credit Information Act 2019, July 2019
- Letter responding to U.S. Senators Mike Crapo and Sherrod Brown’s Call for Feedback on Data Privacy, Protection, and Collection, Mar. 15, 2019
- Letter urging credit bureaus to provide credit reporting relief to employees of federal contractors and small businesses affected by the shutdown, Jan. 25, 2019
- Letter urging credit bureaus to provide credit reporting relief to consumers affected by natural disasters, Jan. 18, 2019
- Letter urging credit bureaus to provide credit reporting relief to federal workers affected by the shutdown, Jan. 18, 2019
- Letter on credit reporting aspects of S. 2155, Apr. 30, 2018
- Consumer groups letter to CEOs of credit reporting agencies re: quarterly earnings, Nov. 17, 2017
Litigation

- Amicus brief supporting the State of Maine in *CDIA v. Frey*, Jan. 26, 2021
- Amicus brief supporting Plaintiff/Respondent in *Ramirez v. TransUnion*
- Amicus brief in *Cook County, IL and IL Coalition for Immigrant and Refugee Rights v. Chad F. Wolfe, et al.*, Jan. 24, 2020
- Amicus brief of NCLC and Legal Aid Justice Center in *City and County of San Francisco and County of Santa Clara v. US Dept. of Homeland Security et. al.*, January 23, 2020
- *Robinson v National Student Clearinghouse*, April 18, 2019 Complaint
- Motion for Leave to file an Amicus Brief and [Proposed] Amicus brief in the Middle District of North Carolina (*Brown v. Delhaize and Food Lion, Inc.*), August 11, 2014
- Amicus brief of NCLC and NACA in *Carvalho v. Equifax*, Full text
- FCRA preemption and furnisher liability, Amicus Brief of NCLC and NACA in Gorman v. Wolpoff & Abramson case, April 2009
- *White v. Experian/TransUnion/Equifax*, Class action lawsuit against TransUnion LLC, Experian Information Solutions, Inc., and Equifax Information Services LLC
- Amicus Brief of NACA, NCLC and others defending statutory damages provision of FCRA against constitutional attack

Consumer Information

- The Truth About Credit Reports & Credit Repair Companies
- Disputing Errors in a Credit Report
- Understanding Credit Scores
- What You Should Know About Your Credit Report
- Protect Yourself from Identity Theft

Resources

- CFPB releases 2018 list of consumer reporting companies.
- Video: Urban Institute: Next-Generation Innovations to Increase Financial Inclusion for Consumers, June 20, 2018 (NCLC Associate Director Lauren Saunders, panelist, begins at 37:06)