

Effective 1/1/2016

13-45-102 Definitions.

As used in this chapter:

- (1) "Consumer" means an individual who is not a protected consumer.
- (2) "Consumer reporting agency" means a person who, for fees, dues, or on a cooperative basis, regularly engages in whole or in part in the practice of assembling or evaluating information concerning a consumer's credit or other information for the purpose of furnishing a credit report to another person.
- (3) "Consumer who is subject to a protected consumer security freeze" means an individual:
 - (a) for whom a credit reporting agency placed a security freeze under Section 13-45-503; and
 - (b) who, on the day on which a request for the removal of the security freeze is submitted under Section 13-45-504, is not a protected consumer.
- (4) "Credit report" means a consumer report, as defined in 15 U.S.C. Sec. 1681a, that is used or collected in whole or part for the purpose of serving as a factor in establishing a consumer's eligibility for credit for personal, family, or household purposes.
- (5) "File" is as defined in 15 U.S.C. Sec. 1681a.
- (6) "Incapacitated person" means an individual who is incapacitated, as defined in Section 75-1-201.
- (7) "Normal business hours" means Sunday through Saturday, between the hours of 6:00 a.m. and 9:30 p.m., Mountain Standard or Mountain Daylight Time.
- (8)
 - (a) "Personal information" means personally identifiable financial information:
 - (i) provided by a consumer to another person;
 - (ii) resulting from any transaction with the consumer or any service performed for the consumer; or
 - (iii) otherwise obtained by another person.
 - (b) "Personal information" does not include:
 - (i) publicly available information, as that term is defined by the regulations prescribed under 15 U.S.C. Sec. 6804; or
 - (ii) any list, description, or other grouping of consumers, and publicly available information pertaining to the consumers, that is derived without using any nonpublic personal information.
 - (c) Notwithstanding Subsection (8)(b), "personal information" includes any list, description, or other grouping of consumers, and publicly available information pertaining to the consumers, that is derived using any nonpublic personal information other than publicly available information.
- (9) "Proper identification" has the same meaning as in 15 U.S.C. Sec. 1681h(a)(1), and includes:
 - (a) the consumer's full name, including first, last, and middle names and any suffix;
 - (b) any name the consumer previously used;
 - (c) the consumer's current and recent full addresses, including street address, any apartment number, city, state, and ZIP code;
 - (d) the consumer's Social Security number; and
 - (e) the consumer's date of birth.
- (10) "Protected consumer" means an individual who, at the time a request for a security freeze is made, is:
 - (a) less than 16 years of age;
 - (b) an incapacitated person; or
 - (c) a protected person.

- (11) "Protected person" means the same as that term is defined in Section 75-5b-102.
- (12) "Record" means a compilation of information that:
 - (a) identifies a protected consumer;
 - (b) is created by a consumer reporting agency solely for the purpose of complying with this section; and
 - (c) may not be created or used to consider the protected consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living.
- (13) "Representative" means a person who provides to a consumer reporting agency sufficient proof of authority to act on behalf of a protected consumer.
- (14)
 - (a) "Sufficient proof of authority" means documentation that shows that a person has authority to act on behalf of a protected consumer.
 - (b) "Sufficient proof of authority" includes:
 - (i) a court order;
 - (ii) a lawfully executed power of attorney; or
 - (iii) a written, notarized statement signed by the person that expressly describes the person's authority to act on behalf of the protected consumer.
- (15)
 - (a) "Sufficient proof of identification" means information or documentation that identifies a protected consumer or a representative.
 - (b) "Sufficient proof of identification" includes:
 - (i) a Social Security number or a copy of a Social Security card issued by the United States Social Security Administration;
 - (ii) a certified or official copy of a birth certificate; or
 - (iii) a copy of a government issued driver license or identification card.

Amended by Chapter 191, 2015 General Session