

## 54 N.J.R. 89(c)

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### RULE ADOPTIONS

#### Reporter

54 N.J.R. 89(c)

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#### Agency

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LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS

#### Administrative Code Citation

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**Readoption: N.J.A.C. 13:45F**

#### Text

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##### Notice of Readoption

##### Identity Theft Rules

Authority: N.J.S.A. 56:8-161 through 166 and 56:11-44 through 50.

Authorized By: Sean Neafsey, Acting Director, New Jersey Division of Consumer Affairs.

Effective Date: November 30, 2021.

New Expiration Date: November 30, 2028.

**Take notice** that, pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:45F were scheduled to expire on January 21, 2022. The rules at N.J.A.C. 13:45F were promulgated pursuant to the Identity Theft Prevention Act (the ITPA), N.J.S.A. 56:11-44 et seq., to protect New [page=90] Jersey consumers from identity theft. The following summarizes each subchapter in N.J.A.C. 13:45F.

Subchapter 1 sets forth the purpose and scope of the chapter and defines the words and terms used in the chapter, including the term "security freeze." Pursuant to N.J.A.C. 13:45F-1.3, a "security freeze" means a notice placed in a consumer's consumer report, at the request of the consumer that, subject to certain exceptions as set forth at N.J.S.A. 56:11-46(l), prohibits the consumer reporting agency from releasing the report or any information from it without the express authorization of the consumer, but does not prevent

a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the consumer report.

Subchapter 2 contains the security freeze provisions. The subchapter sets forth requirements for consumer reporting agencies providing information to consumers about a security freeze; placing, temporarily lifting, or removing a security freeze; changing official information; lost personal identification numbers (PIN) and passwords; and related fees.

Subchapter 3 is reserved.

Subchapter 4 contains provisions related to the use of Social Security numbers (SSN). The subchapter addresses prohibited uses of SSNs and the manner in which SSNs may be given in a public setting under the IPTA.

Subchapter 5 addresses the penalties for violations of the security freeze and breach of security provisions under the ITPA.

The Division of Consumer Affairs (Division) has reviewed N.J.A.C. 13:45F and has determined that the chapter remains necessary, reasonable, and proper for the purpose for which it was originally promulgated. The Division is aware of P.L. 2018, c. 153, which amended the law governing the rules at N.J.A.C. 13:45F. In light of P.L. 2018, c. 153, the Division is in the process of conducting a separate rulemaking to address the changes to the law. Therefore, pursuant to N.J.S.A. 56:8-165, and in accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted without change and shall continue in effect for a seven-year period.

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