## WEST VIRGINIA CODE: §46a-6L-104

## §46A-6L-104. Violations; penalties.

- (a) If a consumer-reporting agency negligently violates the security freeze by releasing credit information that has been placed under a security freeze, the affected consumer is entitled to:
- (1) Notification within five business days following discovery or actual knowledge of the distribution of the information, including specificity as to the information distributed and the third-party recipient of the information.
- (2) File a complaint with the Federal Trade Commission or the office of the Attorney General of West Virginia.
- (3) File a civil action against the consumer-reporting agency seeking:
- (A) Injunctive relief to prevent or restrain further violation of the security freeze;
- (B) Actual damages sustained or not more than \$1,000, whichever is greater; and
- (C) Reasonable expenses, court costs, investigative costs and attorney's fees.
- (4) Each violation of the security freeze is a separate incident for purposes of imposing penalties under this section.
- (b) If a consumer-reporting agency willfully violates the security freeze by releasing credit information that has been placed under a security freeze, the affected consumer is entitled to:
- (1) Notification within five business days following discovery or actual knowledge of the distribution of the information, including specificity as to the information distributed and the third-party recipient of the information.
- (2) File a complaint with the Federal Trade Commission or the office of the Attorney General of West Virginia.
- (3) File a civil action against the consumer-reporting agency seeking:
- (A) Injunctive relief to prevent or restrain further violation of the security freeze;
- (B) Actual damages sustained or not more than \$5,000, whichever is greater; and
- (C) Reasonable expenses, court costs, investigative costs and attorney's fees.
- (4) Each violation of the security freeze is a separate incident for purposes of imposing

  September 10, 2025

  Page 1 of 2

  §46a-6L-104

penalties under this section.

