

## Connecticut's Credit Freeze Law

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October 29, 2025 | 2025-R-0145

### Issue

Summarize the state's credit freeze law. This report updates OLR Report [2015-R-0176](#).

### Summary

Credit freeze laws generally prohibit a credit rating agency from releasing any information in a consumer's credit report without the consumer's express authorization.

Connecticut's law requires an agency to "freeze" a consumer's credit report as soon as practicable, but within five business days after a consumer's request. It creates ways for a consumer to release the report permanently, temporarily, or to a specific third party. The law has provisions specific to freezing the credit reports of minor children, who are individuals under age 16 at the time of the request.

Under the law, there can be no fee charged for a freeze, a temporary or permanent freeze removal, or a personal identification number (PIN).

### *Definitions*

*For purposes of the state's credit report freeze law, a "credit report" is a credit rating agency's written or oral report, recommendation, or representation about a consumer's credit worthiness, standing, or capacity, including information sought to determine credit eligibility ([CGS § 36a-695](#)).*

*A "security freeze" is generally a notice placed in a consumer's credit report, at the consumer's request, that bars a credit rating agency from releasing the report, or any information in it, without the consumer's express authorization ([CGS § 36a-701](#)).*

The law allows an agency to deny a request to implement a freeze, or to remove one, if it has a good faith belief that the request involves fraud or misrepresentation.

It also authorizes most types of businesses to deem a credit application incomplete, and insurers to deny an application, if they find a consumer's credit is frozen. Certain disclosures are exempt from a freeze.

## **Credit Freeze Law**

Connecticut law allows a consumer, including a parent or legal guardian on behalf of a minor child, to ask a credit rating agency to place a security freeze on his or her credit report ([CGS §§ 36a-701 & 36a-701a](#)).

A consumer request to freeze a report must be made in writing by certified mail or by another secure method the agency authorizes. A minor child's parent or legal guardian must also give the agency proper identification and sufficient proof of authority to act on the child's behalf. Sufficient proof is a court order, an original copy of the child's birth certificate, or a written notarized statement describing the authority.

The agency must freeze the report as soon as practicable, but within five business days after receiving the request. It must then send the consumer a written confirmation within 10 business days of the security freeze with a unique PIN or password for the consumer to use to authorize the release of his or her credit report or for a period of time. But it does not require giving a number or password in the case of a minor child's credit report freeze.

Under the law, if the agency has no information in its files about a minor child when it receives a freeze request, it must create a record for the child and freeze the record. The record must have all information the agency created to identify the child. The law prohibits the agency from (1) creating or using the record to consider the child's credit worthiness, standing, or capacity; character; general reputation; personal characteristics; or mode of living and (2) releasing a minor child's credit report, any information derived from it, or any record created for the child.

Under the law, an agency cannot charge a consumer a fee (1) for a freeze, (2) to temporarily or permanently remove a freeze, or (3) for a PIN. The law also prohibits agencies from requiring consumers to enter into agreements to limit claims against the agency as a condition for placing a freeze.

An agency must keep the freeze in effect unless temporarily or permanently removed at the consumer's request.

### ***Suspending or Removing a Security Freeze***

The law allows a consumer to use the unique PIN or password sent by a credit rating agency to authorize a permanent or temporary removal of a freeze or to release a credit report to a specific third party.

If a consumer wants to remove the freeze, he or she must provide the agency with (1) proper identification and (2) the unique identifier or password. And if the consumer wants to disclose his or her credit report for a period of time or to a third party, the consumer must also give proper information about the time period during which the credit report will be available or the third party to receive the report.

The law requires an agency that receives a request to remove a freeze, either temporarily or permanently, to do so as soon as practicable, but within three business days after receiving the request. It allows agencies to develop procedures for receiving and processing these requests. The procedures must allow consumers to send their requests by fax, letter, or electronically.

For the removal of a freeze on a minor child's credit report, the parent or legal guardian must give the agency proper identification and sufficient proof of authority to act on the child's behalf, and any applicable PIN or password. The agency has 15 business days after receiving the request to remove the freeze.

### ***Denying a Request to Implement or Remove a Freeze***

The law allows a credit rating agency to remove a credit freeze or refuse to implement one if the agency believes in good faith that the (1) request was part of a fraud that the consumer participated in or knew about or can be shown by circumstantial evidence or (2) freeze was due to a material misrepresentation of fact by the consumer.

It requires the agency to promptly notify the consumer in writing within five business days after refusing to implement a freeze or, if removing a freeze, before removing the freeze on the credit report.

## ***Requests for Information From Frozen Credit Reports***

Under the law, an insurer may deny an application if an applicant's credit report is frozen and the applicant has not authorized the report's disclosure to the insurer. The law also permits other third parties to deem a credit application incomplete if the party requests access to a consumer's frozen credit report related to the application, or for another use, and the consumer has not authorized disclosure to the third party.

## ***Exempted Report Disclosures***

The law allows credit rating agencies to disclose frozen credit reports to:

1. a person, or the person's subsidiary, affiliate, agent, or assignee with who the consumer has or had an account, contract, or debtor-creditor relationship, to review the account or collect a debt;
2. a subsidiary, affiliate, agent, assignee, or prospective assignee of someone to whom access was granted to facilitate extending credit or for another permissible use;
3. anyone acting according to a court order, warrant, or subpoena;
4. anyone for "prescreening" as allowed under the federal Fair Credit Reporting Act;
5. anyone solely to provide credit file monitoring subscription services to which a consumer subscribes;
6. a credit rating agency solely to give a consumer a copy of his or her own credit report upon request; or
7. a governmental entity, including a law enforcement agency, or court, or their agents or assignees pursuant to their statutory or regulatory duties.

## ***Businesses Exempt From Placing a Freeze***

Under the law, the following businesses are not required to freeze a consumer's report, but they are subject to a freeze placed on a report by another agency:

1. credit services or fraud prevention services companies that report on incidents of fraud or issue authorizations to approve or process negotiable instruments, electronic fund transfers, or similar payment methods;
2. deposit account information service companies that issue reports on account closures due to fraud, substantial overdrafts, ATM abuse, or similar information to inquiring banks or other financial institutions to use solely for reviewing a consumer's request to open a deposit account; or

3. credit rating agencies that (a) only resell credit information by assembling and merging it from a database of one or more credit reporting agencies and (b) do not keep a permanent database of credit information from which new credit reports are made.

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