

# Fair Credit Reporting Act Regulatory Update—2025

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## I. INTRODUCTION<sup>1</sup>

The regulatory framework surrounding the Fair Credit Reporting Act (FCRA)<sup>2</sup> has undergone significant shifts in the last year, driven by expansive rulemaking proposals and enforcement activity by the Consumer Financial Protection Bureau (CFPB or Bureau). The CFPB's proposals concerning data brokers and identity theft, coupled with enforcement actions against furnishers and consumer reporting agencies (CRAs), reflect an evolving interpretation of the FCRA's scope and obligations. Following the change in administration in early 2025, most of the CFPB's rulemaking and guidance were rescinded or withdrawn,<sup>3</sup> and a number of enforcement cases were dismissed. This survey reviews the key regulatory initiatives and enforcement actions from the past year.

## II. REGULATORY DEVELOPMENTS

### A. MEDICAL DEBT RULE

In one of the CFPB's most highly publicized initiatives, the Bureau proposed a rule in June 2024<sup>4</sup> barring the inclusion of unpaid medical debt in credit reports and prohibiting lenders from using medical debt information in credit decisions. The rule received over 70,000 comments, and the CFPB announced the final rule

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1. This survey is one in a series of works covering recent updates in various areas of consumer financial services law. For an overview of the other surveys in this issue of *The Business Lawyer*, see John L. Ropiequet, Sabrina A. Neff, Christopher K. Odinet & Caren D. Enloe, *Introduction to the 2026 Annual Survey of Consumer Financial Services Law*, 81 *BUS. LAW.* 527 (2026) (in this *Annual Survey*).

2. Pub. L. No. 91-508, tit. VI, 84 Stat. 1114, 1127-36 (1970) (codified as amended at 15 U.S.C. §§ 1681-1681x (2024)).

3. Interpretive Rules, Policy Statements, and Advisory Opinions; Withdrawal of Bureau Guidance, 90 Fed. Reg. 20084 (May 12, 2025) [hereinafter *Withdrawal*].

4. Prohibition on Creditors and Consumer Reporting Agencies Concerning Medical Information (Regulation V), 89 Fed. Reg. 51682 (June 18, 2024).

on January 7, 2025,<sup>5</sup> just before the new administration took office. As discussed below, the rule has since been vacated.

In its final rule, the CFPB sought to eliminate most medical debt from consumer credit reports and to forbid most creditors from considering medical debt information when making credit decisions.<sup>6</sup> Specifically, the final rule removed a regulatory exception in Regulation V that previously permitted creditors to obtain or use medical information, including medical debt information, in connection with credit eligibility determinations; amended existing exceptions for use of information related to credit eligibility determinations; and limited the circumstances under which CRAs were permitted to furnish medical debt information to creditors in connection with credit eligibility determinations.<sup>7</sup> With respect to the restrictions on reporting, the final rule defined a new term, “medical debt information,” as “medical information that pertains to a debt owed by a consumer to a person whose primary business is providing medical services, products, or devices, or to such person’s agent or assignee, for the provision of such medical services, products or devices.”<sup>8</sup>

Almost immediately after the rule’s release, two trade associations filed suit in the Eastern District of Texas, arguing that the CFPB had unlawfully exceeded its regulatory authority under the FCRA and had violated the Administrative Procedure Act.<sup>9</sup> Under new leadership appointed in early 2025, the CFPB withdrew its defense of the rule and joined the plaintiffs in filing a joint motion for consent judgment, asking the court to vacate the rule entirely.<sup>10</sup>

The court granted the motion in July 2025 and vacated the rule.<sup>11</sup> It held that the FCRA specifically authorizes CRAs to report coded medical debt information, and that the rule’s blanket prohibition was “irreconcilable” with section 1681b(g)(1) of the FCRA.<sup>12</sup> The court further found that the FCRA “expressly allows creditors to obtain and use properly coded medical-debt information in credit decisions.”<sup>13</sup> The court emphasized that the CFPB “may permit creditors to obtain or use medical information to determine creditworthiness in more circumstances than the statute otherwise allows, but it may not prohibit uses of coded medical information that the statute authorizes.”<sup>14</sup>

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5. Prohibition on Creditors and Consumer Reporting Agencies Concerning Medical Information (Regulation V), 90 Fed. Reg. 3276 (Jan. 14, 2025), *corrected at* 90 Fed. Reg. 8173 (Jan. 27, 2025).

6. *Id.* at 3277–78.

7. *Id.* at 3276–78.

8. *Id.* at 3372.

9. See Complaint, Cornerstone Credit Union League v. CFPB, No. 25-CV-16 (E.D. Tex. Jan. 7, 2025).

10. See Joint Motion for Entry of Consent Judgment, Cornerstone Credit Union League (E.D. Tex. Apr. 30, 2025).

11. Cornerstone Credit Union League v. CFPB, No. 25-CV-16, 2025 WL 1920148, at \*14–15 (E.D. Tex. July 11, 2025).

12. *Id.* at \*9.

13. *Id.* at \*10.

14. *Id.* at \*3.

The court also ruled that the CFPB has no authority to limit the contents of consumer reports based on state and other law.<sup>15</sup> In dicta, the court suggested that state laws restricting medical-debt reporting may be preempted by the FCRA, stating that “any state law purporting to prohibit a CRA from furnishing a credit report with coded medical information would be inconsistent with the FCRA and therefore preempted.”<sup>16</sup>

## B. DATA BROKER PROPOSED RULE

In December 2024, the CFPB issued a Notice of Proposed Rulemaking (Data Broker NPRM) aimed at reclassifying data brokers as CRAs, a change that would have significantly expanded the statutory definition of CRA.<sup>17</sup> The proposed rule also would have expanded the reach of the FCRA by expanding the definition of “consumer report”<sup>18</sup> and by redefining or setting conditions on certain permissible purposes under the FCRA.<sup>19</sup> The CFPB justified the proposed rule by pointing to privacy, fraud, and national security concerns posed by modern data broker practices.<sup>20</sup> On May 15, 2025, the Bureau formally withdrew the NPRM, concluding that legislative rulemaking was “not necessary or appropriate at this time,” citing misalignment with its updated FCRA interpretation and policy objectives, and strong opposition from commenters and regulated entities.<sup>21</sup> Given the significance of the issues raised in the Data Broker NPRM to future policy debates, this survey sets forth a summary of the primary proposals.

The Data Broker NPRM proposed to broaden the statutory definition of “consumer report” in four principal ways. First, the NPRM proposed treating certain categories of data as a consumer report regardless of whether they were used for an FCRA-permissible purpose.<sup>22</sup> Under the proposal, any information about a consumer’s credit history, credit score, debt payments, or income or financial tier would be a consumer report regardless of the purpose for which it was provided. Second, the CFPB’s proposal reinterpreted and expanded the coverage of the term “consumer report” such that if a recipient of information “used” the information for an FCRA purpose, the communication of such information would constitute a consumer report regardless of whether the person communicating the information had collected it or expected it to be used for that purpose.<sup>23</sup>

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15. *Id.* at \*12.

16. *Id.*

17. Protecting Americans from Harmful Data Broker Practices (Regulation V), 89 Fed. Reg. 101402 (Dec. 13, 2024) [hereinafter Data Broker Practices].

18. *Id.* at 101406.

19. *Id.* at 101405–06.

20. *Id.* at 101405.

21. Protecting Americans from Harmful Data Broker Practices (Regulation V); Withdrawal of Proposed Rule, 90 Fed. Reg. 20568 (May 15, 2025).

22. Data Broker Practices, *supra* note 17, at 101410.

23. *Id.* at 101458. This proposal would have eliminated the intent element of the definition of “consumer report” under the FCRA long recognized by courts, which focused on whether the provider of the information intended the information to be used for an FCRA purpose. See *Kidd v. Thomson*

Third, the CFPB proposed multiple alternatives for treating de-identified data (i.e., data in which personal identifiers have been removed) as consumer report information if it was linkable, used to inform decisions about specific consumers, or resulted in consumer identification.<sup>24</sup> The CFPB noted that its proposal stemmed from concerns regarding data that was “nominally de-identified, [that] may in fact be re-identifiable.”<sup>25</sup> This re-identification, according to the CFPB, could reveal “potentially sensitive personal information” about a consumer.<sup>26</sup> The CFPB also expressed concerns with marketing data, which is often aggregated by household or neighborhood or by behavioral characteristics, that might be easily re-identified to a particular consumer.<sup>27</sup>

Fourth, the Data Broker NPRM proposed that the definition of “consumer report” include the communication by a CRA of a consumer’s personal identifiers if those personal identifiers were originally collected by a CRA, and if that collection was at least in part for the purpose of preparing a consumer report about the consumer.<sup>28</sup> The proposal provided examples of information that would constitute personal identifiers for a consumer, such as name, age, date of birth, address, telephone number, email address, and Social Security number or Taxpayer Identification Number.<sup>29</sup>

The Data Broker NPRM proposed broadening the definition of a CRA by defining “assembling or evaluating” to include actions such as categorizing financial data, ranking criminal records, or retaining files about a consumer for decision-making purposes.<sup>30</sup> The proposed rule sought to define “assembles or evaluates” as “(a) collects, brings together, gathers, or retains such information; (b) appraises, assesses, makes a judgment regarding, determines or fixes the value of, verifies, or validates such information; or (c) contributes or alters the content of such information.”<sup>31</sup> The proposed rule set forth a list of examples of activities that the CFPB believed would meet that definition, including services typically provided by data aggregators.<sup>32</sup>

The Data Broker NPRM also addressed three areas of “permissible purpose” concerns: targeted marketing, written instructions, and the “legitimate business need” permissible purpose. First, the CFPB proposed to define what it means to “furnish” a consumer report to include instances where “[a CRA] facilitates a person’s use of any information from the consumer report for the person’s financial

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Reuters Corp., 925 F3d 99, 104 (2d Cir. 2019); *Zabriskie v. Fed. Nat’l Mortg. Ass’n*, 940 F3d 1022, 1027 (9th Cir. 2019).

24. Data Broker Practices, *supra* note 17, at 101420.

25. *Id.*

26. *Id.* at 101420–21.

27. *Id.* at 101421.

28. *Id.* at 101458.

29. *Id.*

30. *Id.* at 101424.

31. *Id.* at 101459.

32. *Id.*

gain.”<sup>33</sup> This proposal was made to limit a CRA’s ability to advertise to consumers on behalf of a third party based on a consumer’s “income, credit score, education, and credit usage ratio” without transmitting any consumer report information to the third party.<sup>34</sup> Second, the Data Broker NPRM proposed certain conditions and limitations on the use of the “written instructions” permissible purpose under the FCRA. The proposed rule would have required that written instructions include disclosure and express consent to furnishing of a consumer report for an identified product, service, or use, and set further conditions on the scope and duration of that consent.<sup>35</sup> Finally, the Data Broker NPRM defined when a CRA has reason to believe that a consumer has initiated a business transaction under the “legitimate business need” permissible purpose<sup>36</sup> and included examples of such use.<sup>37</sup> The CFPB’s proposal here codified long-standing guidance provided by the Federal Trade Commission (FTC).<sup>38</sup>

### C. ADVANCE NOTICE OF PROPOSED RULEMAKING ON COERCED DEBT

In December 2024, the CFPB issued an Advance Notice of Proposed Rulemaking (Coerced Debt ANPR) to gather input on potential amendments to Regulation V under the FCRA, which would clarify that debt incurred without “effective consent”—such as coerced debt—should qualify as identity theft, making victims eligible for blocking remedies.<sup>39</sup>

The Coerced Debt ANPR sought feedback on definitions of “identity theft” and “identity theft report” to explicitly include debt resulting from coercion, and on whether victims should be permitted to block such debt under section 1681c-2(1)(C) of the FCRA.<sup>40</sup> It posed key questions concerning the prevalence and impact of coerced debt, state and federal protections, burden of proof, documentation standards, affected populations, and possible presumptions of coercion.<sup>41</sup>

Consumer groups and victim advocates generally supported the adoption of the proposed rulemaking, emphasizing that coerced debt disproportionately harms survivors of domestic violence, especially people of color, and noted that removing such debt can significantly improve credit scores and prospects, such as housing or employment.<sup>42</sup> The credit reporting industry opposed the initiative

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33. *Id.*

34. *Id.* at 101427.

35. *Id.* at 101459–60.

36. *Id.* at 101460.

37. *Id.*

38. *Id.* at 101432 n.227.

39. Fair Credit Reporting Act (Regulation V); Identity Theft and Coerced Debt, 89 Fed. Reg. 100922 (Dec. 13, 2024).

40. *Id.* at 100922–23.

41. *Id.* at 100923.

42. See Nat’l Consumer Law Ctr., Ctr. Survivor Agency & Just., and Nat’l Coerced Debt Working Grp., Comments on the Advanced Notice of Proposed Rulemaking on the Fair Credit Reporting Act

on constitutional and statutory grounds, arguing that the CFPB lacks authority under the FCRA to redefine “identity theft” or “identity theft report,” and that such changes would raise serious operational and legal issues, including increasing the abuse of consumer protections by credit repair operators.<sup>43</sup> In addition, the banking sector raised concerns about undermining the integrity of the credit reporting system integrity across furnishers and CRAs.<sup>44</sup>

Unlike the Data Broker NPRM, the CFPB is under no obligation to officially withdraw the Coerced Debt ANPR. As of this writing, the Bureau has not indicated whether it will proceed with this rulemaking. Given the trend toward deregulation under the current administration, the regulatory future of this proposal is uncertain.

#### D. CFPB CIRCULAR ON BACKGROUND DOSSIERs AND ALGORITHMIC SCORES

In November 2024, the CFPB issued Circular 2024-06 (Circular), which has since been withdrawn, to clarify that the FCRA applies to the growing use of background dossiers, algorithmic scores, and similar third-party products employers use when making employment decisions.<sup>45</sup> The Circular responded to increasing concerns about the role of surveillance technologies and algorithmic evaluations in the workplace, particularly as employers rely more heavily on third-party vendors to provide information on current or prospective employees.<sup>46</sup>

The CFPB affirmed in the Circular that when third-party entities assemble or evaluate information about individuals, whether in the form of traditional background checks or more sophisticated tools such as risk scores, behavioral assessments, or dossiers compiled from disparate data sources for use in employment decisions, those products generally meet the statutory definition of a “consumer report” under the FCRA.<sup>47</sup> The Bureau emphasized that the purpose for which the information is used—not the method of generation—is what determines whether the FCRA applies.<sup>48</sup>

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(Regulation V); Identify Theft and Coerced Debt (Mar. 7, 2025), <https://www.regulations.gov/comment/CFPB-2024-0057-0020>.

43. See Consumer Data Indus. Ass’n, Comments on the Advanced Notice of Proposed Rulemaking on the Fair Credit Reporting Act (Regulation V); Identify Theft and Coerced Debt (Apr. 7, 2025), <https://www.regulations.gov/comment/CFPB-2024-0057-0034>.

44. See Am. Bankers Ass’n, Comments on the Advanced Notice of Proposed Rulemaking on the Fair Credit Reporting Act (Regulation V); Identify Theft and Coerced Debt (Apr. 7, 2025), <https://www.regulations.gov/comment/CFPB-2024-0057-0044>.

45. Consumer Financial Protection Circular 2024-06: Background Dossiers and Algorithmic Scores for Hiring, Promotion, and Other Employment Decisions, 89 Fed. Reg. 88875 (Nov. 12, 2024).

46. *Id.* at 88875–76.

47. *Id.*

48. *Id.* at 88876. The Circular also reiterated the particular obligations of employers when using consumer reports in employment decisions, including the requirements to obtain written authorization and provide a pre-adverse action notice. *Id.* at 88875.

Most interestingly, the CFPB, in a footnote in the Circular, took issue with long-standing FTC staff guidance that a seller of software that allowed users to compile and de-duplicate consumer report information was not itself a CRA, reasoning that the software seller was not “assembling or evaluating” any information itself.<sup>49</sup> Instead, the CFPB opined that “a third-party software provider could meet the definition of a CRA where it assembles or evaluates consumer information to develop software that produces reports used to evaluate a worker ‘for employment, promotion, reassignment or retention,’ or where the software itself assembles or evaluates information about a worker to produce reports used for those purposes.”<sup>50</sup> The CFPB formally withdrew the Circular in May 2025.<sup>51</sup>

### E. CFPB’S 2025 WITHDRAWAL OF FCRA GUIDANCE

In May 2025, as part of its withdrawal of much of its interpretive guidance, the CFPB formally withdrew almost all of its interpretive guidance concerning the FCRA, marking a significant retreat from prior efforts to broaden the statute’s reach over contemporary data practices.<sup>52</sup> In its official withdrawal notice, the CFPB cited multiple justifications for its decision, including evolving jurisprudential interpretations of the FCRA’s statutory scope, the potential for duplicative or inconsistent federal oversight given concurrent privacy initiatives at the FTC and in Congress, and the volume of critical feedback received during the 2024–25 comment periods.<sup>53</sup> The Bureau also signaled a preference for targeted enforcement over sweeping interpretive or rule-based expansions, noting that “case-by-case application of existing FCRA authorities may more appropriately address the consumer harms identified in prior guidance.”<sup>54</sup>

## III. ENFORCEMENT ACTIONS

Enforcement actions during the past year further evidence the CFPB’s continued focus on consumer reporting as a key area of risk to consumers. The cases focused on whether creditors have a permissible purpose to obtain consumer reports, and whether furnishers satisfied their obligations under the Furnisher Rule,<sup>55</sup> including to furnish accurate and complete information on consumers, to maintain reasonable procedures related to those furnishing activities, and

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49. *Id.* at 88877 n.23 (discussing FTC Advisory Opinion (Oct. 27, 1997), <https://www.ftc.gov/legal-library/browse/advisory-opinions/advisory-opinion-cast-10-27-97>).

50. *Id.*

51. Withdrawal, *supra* note 3, at 20086.

52. *Id.* The list of withdrawn guidance did not include the CFPB’s Advisory Opinion on facially false data. See Fair Credit Reporting; Facially False Data, 87 Fed. Reg. 64689 (Oct. 26, 2022).

53. Withdrawal, *supra* note 3, at 20085.

54. *Id.*

55. 12 C.F.R. §§ 1022.40–1022.43 (2025).

to conduct timely and reasonable dispute reinvestigations. The regulators also focused on the credit bureaus' handling of consumer disputes.

### A. CFPB v. ACIMA CREDIT LLC

In July 2024, the CFPB filed a lawsuit against Acima Credit, LLC (Acima) that alleged violations of the FCRA. The complaint alleged that Acima furnished inaccurate data for millions of consumers and obtained and used prescreened lists without a permissible purpose.<sup>56</sup> The complaint further alleged that Acima failed to maintain reasonable procedures to assure the accuracy and integrity of information furnished to CRAs about consumers, and knowingly reported inaccurate information about consumers.<sup>57</sup> The Bureau also accused Acima of failing to conduct a reasonable investigation of consumer disputes in violation of its responsibility as a furnisher of information to reinvestigate direct disputes pursuant to section 1681s-2(a)(8) of the FCRA. The Bureau also alleged that Acima did not consistently inform consumers that it had reported negative information about them, as required under the FCRA.<sup>58</sup> Finally, the Bureau claimed that Acima used prescreened reports for marketing purposes as opposed to using them to extend firm offers of credit or insurance as contemplated by section 1681b(c) of the FCRA.<sup>59</sup>

Acima moved to dismiss the complaint in December 2024 on various grounds, including that the CFPB's funding structure was unconstitutional, that the CFPB lacked the authority to regulate lease-to-own transactions, and that the complaint failed to plausibly allege any deceptive, unfair, or abusive practices.<sup>60</sup> The motion was never ruled upon because the CFPB voluntarily dismissed the case with prejudice in March 2025.<sup>61</sup>

### B. *IN RE AMERICAN HONDA FINANCE CORP.*

In January 2025, the CFPB announced an enforcement action against American Honda Finance Corporation (AHFC) related to its furnishing of certain consumer auto finance accounts to the nationwide CRAs.<sup>62</sup> Under the terms of the AHFC Consent Order, the company agreed to pay \$10.3 million in consumer redress and a \$2.5 million civil penalty for alleged violations of the FCRA and Regulation V.<sup>63</sup>

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56. See Complaint, CFPB v. Acima Credit LLC, No. 24-cv-00525 (D. Utah July 26, 2024).

57. *Id.* at 4.

58. *Id.* at 25–26.

59. *Id.* at 26.

60. See Defendant's Motion to Dismiss, CFPB v. Acima Credit LLC, No. 24-cv-00525 (D. Utah Dec. 16, 2024).

61. See Plaintiff's Notice of Voluntary Dismissal, CFPB v. Acima Credit LLC, No. 24-cv-00525 (D. Utah Mar. 6, 2025).

62. Consent Order, Am. Honda Fin. Corp., 2025-CFPB-0003 (Jan. 17, 2025), [https://files.consumerfinance.gov/f/documents/cfpb\\_american-honda-finance-corp-consent-order\\_2025-01.pdf](https://files.consumerfinance.gov/f/documents/cfpb_american-honda-finance-corp-consent-order_2025-01.pdf) [hereinafter AHFC Consent Order].

63. *Id.* at 22, 27.

In particular, the CFPB found that AHFC furnished inaccurate or incomplete information on certain consumers over a five-year period and failed to timely and completely correct that inaccurate information.<sup>64</sup> The Bureau also cited unreasonable dispute-handling practices and improper reporting during the COVID-19 pandemic with respect to payment accommodations, in violation of section 1681s-2 of the FCRA. Finally, the CFPB took issue with AHFC's dispute handling policies, procedures, and actual practices related to both indirect and direct consumer disputes.<sup>65</sup>

With regard to the initial reporting of certain tradelines, the CFPB found that AHFC allowed consumers to defer payments during the pandemic and assured those consumers that it would continue to report their accounts as current during the deferral period. However, when those consumers did not make payments during the deferral period, the company reported them as delinquent.<sup>66</sup> The Bureau also found that AHFC did not update or correct information furnished to the CRAs that it later found to be inaccurate.<sup>67</sup>

The CFPB further found that the company failed to establish and implement reasonable written policies and procedures regarding the accuracy and integrity of the information it furnished to CRAs, as required by the Furnisher Rule,<sup>68</sup> and failed to timely complete investigations of direct and indirect disputes. The AHFC Consent Order mandates that AHFC adopt improved procedures, conduct root cause analyses using dispute data, and perform monthly error checks with regard to its credit reporting.<sup>69</sup>

### C. CFPB V. EXPERIAN INFORMATION SOLUTIONS

In January 2025, the CFPB sued Experian Information Solutions, Inc. (Experian), alleging that it violated the FCRA with regard to its handling of consumer disputes.<sup>70</sup> In particular, the CFPB alleged that Experian violated its reinvestigation obligations when it failed to convey “all relevant information” provided by consumers with their disputes to furnishers for reinvestigation,<sup>71</sup> and communicated incorrect information to the furnishers by using incorrect dispute codes.<sup>72</sup> The CFPB also alleged that Experian relied too heavily on a furnisher's response to a notice of dispute for Experian's own reinvestigation, as opposed to relying on its own information to reinvestigate the dispute.<sup>73</sup> The CFPB further alleged that Experian's notice of the results of its reinvestigations contained “inaccurate,

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64. *Id.* at 6.

65. *Id.* at 11–13.

66. *Id.* at 1–2.

67. *Id.* at 2, 8–10.

68. 12 C.F.R. § 1022.42(a)–(b) (2025).

69. AHFC Consent Order, *supra* note 62, at 16–20.

70. See Complaint, CFPB v. Experian Info. Sols., Inc., No. 25-cv-00024 (C.D. Cal. Jan. 7, 2025).

71. *Id.* at 13–16.

72. *Id.* at 12.

73. *Id.* at 13–16.

contradictory, ambiguous, or confusing information to consumers.<sup>74</sup> The Bureau claimed that these and other deficiencies in Experian's processes reflect a lack of reasonable procedures to assure the maximum possible accuracy of information Experian includes in consumer files and, thus, in consumer reports.<sup>75</sup>

In May 2025, the court granted Experian's motion to dismiss in part, based on untimeliness and the CFPB's failure to plead a substantial injury.<sup>76</sup> The CFPB amended the complaint,<sup>77</sup> to which Experian filed another motion to dismiss certain of the CFPB's claims on untimeliness grounds.<sup>78</sup> The court granted Experian's second motion to dismiss, finding that the CFPB had not executed tolling agreements with the proper entities.<sup>79</sup> However, the court granted the CFPB leave to amend the complaint once more, which the CFPB did in August 2025.<sup>80</sup> Experian again moved to dismiss on the same grounds.<sup>81</sup> The case remains ongoing as of this writing.

#### D. *IN RE* EQUIFAX, INC.

The CFPB entered into a consent order with Equifax, Inc. in January 2025 relating to Equifax's reinvestigations of consumer disputes.<sup>82</sup> The consent order found that Equifax failed to reasonably investigate consumer disputes, including when it relied on automated reinvestigation procedures that excluded legitimate documentation, or prevented consumers who disputed online from being able to describe disputes with sufficient particularity or provide information that might be relevant to the dispute reinvestigation.<sup>83</sup> The consent order also found that Equifax failed to notify consumers about reinvestigation outcomes and did not maintain procedures to prevent unlawful reinsertion of deleted tradelines, both in violation of section 1681i of the FCRA.<sup>84</sup> The Bureau also cited failures related to the timely placement of identity theft blocks under sections 1681c-2 and 1681i(a)(5)(B) of the FCRA.

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74. *Id.* at 18–19.

75. *Id.* at 6–7.

76. Order Granting in Part and Denying in Part Defendant's Motion to Dismiss, CFPB v. Experian Info. Sols., Inc., No. 25-cv-00024 (C.D. Cal. May 5, 2025).

77. See First Amended Complaint, CFPB v. Experian Info. Sols., Inc., No. 25-cv-00024 (C.D. Cal. June 6, 2025).

78. See Motion to Dismiss, CFPB v. Experian Info. Sols., Inc., No. 25-cv-00024 (C.D. Cal. June 20, 2025).

79. Order Granting Defendant's Motion to Dismiss with Leave to Amend, CFPB v. Experian Info. Sols., Inc., No. 25-cv-00024 (C.D. Cal. Aug. 6, 2025).

80. See Second Amended Complaint, CFPB v. Experian Info. Sols., Inc., No. 25-cv-00024 (C.D. Cal. Aug. 22, 2025).

81. See Motion to Dismiss Second Amended Complaint, CFPB v. Experian Info. Sols., Inc., No. 25-cv-00024 (C.D. Cal. Sept. 5, 2025).

82. Consent Order, Equifax, Inc., 2025-CFPB-0002 (Jan. 17, 2025), [https://files.consumerfinance.gov/f/documents/cfpb\\_equifax-inc-consent-order\\_2025-01.pdf](https://files.consumerfinance.gov/f/documents/cfpb_equifax-inc-consent-order_2025-01.pdf).

83. *Id.* at 11, 15.

84. *Id.* at 18–22.

The Bureau also cited Equifax for relying on a furnisher's response to a dispute reinvestigation without reviewing the response for inconsistencies, even where the response was illogical or contradicted information in Equifax's systems or by consumer-provided documentation.<sup>85</sup> Further, the Bureau found that certain letters sent to consumers reflecting the company's dispute reinvestigation results included contradictory information and were therefore insufficient under the law.<sup>86</sup>

The consent order imposes various requirements on Equifax, including: enhancing its dispute handling procedures to assure review of consumer-provided information; enhancing its policies and procedures related to the oversight of a furnisher's information and dispute reinvestigation results, including identifying when a furnisher's response to a dispute is illogical and establishing metrics to identify furnishers with deficient dispute response procedures; improving its online dispute submission portal to provide greater guidance to consumers submitting disputes online, and providing them with the status of their disputes; and enhancing procedures to prevent the reinsertion of previously deleted information.<sup>87</sup>

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85. *Id.* at 14–15.

86. *Id.* at 18–19.

87. *Id.* at 40–55.

