

Absent contrary Congressional intent, the plain language of Sections 1681n and 1681q leads to the conclusion that Section 1681q imposes a requirement that a user not obtain credit information under false pretenses. Phrasing the "requirement" as a thing prohibited or required not to be done rather than as an affirmative obligation does not deprive Section 1681q of its status as a requirement. Nor does imposition of criminal penalties for violation of Section 1681q rob it of its enforceability through Section 1681n. Thus, a civil cause of action under Section 1681n exists for violation of Section 1681q.

The district court's ruling was based on a finding that the Fair Credit Reporting Act is applicable only if a "credit report" as defined by the Act is involved or if the credit information is obtained for a proper statutory purpose. We reject this result for two reasons. First, Sections 1681n and 1681q by their terms are not limited to transactions involving credit reports as are many other provisions of the Act. Second, Section 1681q is meaningless if existence of a credit report is required for its application. "Credit report" in the Act is by definition a report obtained for certain proper purposes. Information obtained by false pretenses will frequently, if not always, be obtained for improper purposes. Certainly, a proper purpose is not a prerequisite to a violation of Section 1681q.

False pretenses - Permissible purpose not required

http://scholar.google.com/scholar_case?case=6999448073242120967&q=1681q&hl=en&as_sdt=40006

1681q

<http://www.law.cornell.edu/uscode/text/15/1681q>

False pretenses

http://www.law.cornell.edu/wex/false_pretenses