



Watch what you post! Collectors turn to social media By Erica Sandberg

"Yeah, I got the job!"

"Shopping now -- home at four"

Post such status updates while also owing money and folks other than your pals might take notice. Social networking websites are becoming hotspots for collection agencies wanting to track down elusive debtors. What you publish can help them find you -- not to chat, but to get you to pay up.

Unfriendly uses of social networking sites

Debt collectors are hardly stumped when debtors aren't listed in the white pages. Many simply browse such social networking sites as Facebook, Twitter and LinkedIn for vital clues. With the majority of Americans using these sites -- 72 percent of young adults and 40 percent of those over 30, according to a 2010 Pew Research poll -- this course of action makes sense.

"We often need to locate or investigate people and routinely use social media sites," says Washington, D.C.-based lawyer Thomas J. Simeone, who manages a firm of five attorneys. "Facebook is the first step now."

Simeone has his staff compare what the credit card company has on file to what the person is posting. "A quick search on Google usually turns up someone's page, which may have their current hometown and other identifying information to help you locate them -- employer, school, date of birth (with or without year), family members," says Simeone. "All of this information can then be used to locate someone -- either by itself or in conjunction with other sites."

The type of person they're looking for and the type of debt that person holds will dictate which websites a collector peruses, says Michelle Dunn, a former collector and author of the upcoming book "Get Paid: Weed Out Bad Customers, Collect on Past Due Balances and Avoid Bad Debt." "Most are using Facebook for consumer debt, but for the younger set would be MySpace," says Dunn. "Business-to-business credit would be LinkedIn."

According to a report issued by the private investigating firm Lemieux & Associates, your online friends are "an indispensable tool," even when settings are turned to private. By looking at people in a network and cross-referencing them with other database information that lists relatives and associates, "you can refine your search and confirm if they are the claimant you're looking for."

Once a collector identifies a debtor, they also find a treasure trove of employment, financial and contact information.

Information they're looking for

So what might you post that would spark a collector's interest? Everything from status updates, photos and public messages. You might reveal your daily schedule (this is gold for the collectors, if they're trying to catch you at home) and your cell phone number.

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Attorney

Collectors may also be able to see whether you have assets, or if you a spouse who could be held liable for the debt. Employment-related posts are especially valuable to judgment creditors who would like to begin a wage garnishment.

Dunn says such searches can also help verify or debunk a borrower's situation. "As a bill collector, you hear all kinds of stories," says Dunn. "Some people lie, some don't. If you check their social networking sites, and they write that they are looking for a job, it can help with validity and work to the person's advantage. However, if they say they're not working and have no money, but are posing with a new boat -- well, there's a problem."

Can they really do that?

According to Simone, finding people this way is both legal and appropriate. "Any information shared on such a site is legally available to anyone."

Dunn agrees that there is no legislation that specifically prevents collectors from finding people on social networking sites, but she points out the gray area. The [Fair Debt Collection Practices Act](#), which governs third-party collectors, was passed in 1978, predating the Internet. It doesn't cover precisely what a collector can and can't do to uncover and converse with debtors on these sites.

What is clear, according to the act, is that misrepresentation is illegal. Therefore, collectors cannot be deceitful and claim to be an acquaintance or colleague so you'll friend them. Doing so may also be against the terms of the website's policy, says Benjamin Wright, attorney and Internet law expert.

"For example, MySpace forbids someone from pretending they are someone else," says Wright. "If a debt collector were to misrepresent who he is and pretend to be a long lost uncle, that could be a violation of the terms of service, and in theory, could lead to some type of penalty."

Still, it's not against the law to request a friend connection and not disclose identity or purpose. This is an easy in to all your private information, as many people accept strangers into their network.

Another provision of the act is that [collectors can't harass someone](#). So even if they find your profile, they can't post insults, warnings or write about your debt. Dunn advises collectors to "think about what the laws are when using the phone and the mail. You'll know not to post that they are a deadbeat on their wall."

It should be noted that not all industry insiders are embracing this method of locating debtors. Alexis A. Moore is a credit collections executive and consultant in Sacramento, Calif., who advocates for greater privacy protection. "This is a practice that makes professionals like me cringe because it is unnecessary when there are far more practical ways of collecting debts and conducting asset investigations and people locates today," says Moore.

Keep your friends close -- and your creditors closer

"More and more collectors will be using" social networking searches in 2011, says Dunn. She suggests consumers visit social networking sites created by and for those in the collection world. Accountrecovery.net, for example, is "like Facebook for collectors," says Dunn. There, they can create profiles, join groups, share tips and discuss what the law is and how it's changing. Such an insider's perspective can be enlightening.

In the end, though, if you're indebted to a collection agency, they'll usually use any lawful means to contact you -- including intensive social networking detective work. So be aware that far more than your friends can read what you write.

And if you switch your settings from public to private, or use a pseudonym? "Even if you try to be anonymous, you are not necessarily safe, especially if you owe vast sums of money. Advanced searches can unearth more than you think," says Wright.

The solution is not to close out your pages altogether, but rather confront any financial problems you might have head-on. This way, you can keep creditors far away from your online friends and photo albums.

See related: Know your rights: Fair Debt Collection Practices Act, [When debt collectors make your life miserable](#), [How do you get debt collectors off your back?](#)

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