

United States Federal Trade Commission / Dept of Justice Western Union Claim Guidance

IDCARE is Australia and New Zealand's National Identity & Cyber Support Service.

We are an independent national body, not-for-profit organisation and registered Australian charity.

Our core business is to assist individuals and organisations in relation to concerns they have about personal information and related account details, whether from online or offline scams, crimes and related events.

Our organisation's mission is to minimise harm from the compromise and misuse of personal information.

We do this through providing access to crisis support counselling, by assisting clients navigate optimal responses, and by informing stakeholders of business process, policy and regulatory reform opportunities.

1300 432 273 (AUS)

0800 201 415 (NZ)

www.idcare.org

contact@idcare.org

Background

A joint investigation between the United States Federal Trade Commission, the United States Department of Justice, and the United States Postal Inspection Service in 2017 resulted in a settlement of USD \$586 million with Western Union for aiding and abetting wire fraud. Wire fraud in this instance includes the payment to scammers and fraudsters of victims funds via a Western Union money remittance service. In an unprecedented move for victims of this type of fraud, the Federal Trade Commission have invited overseas residents the opportunity to claim reimbursement from the funding provided by Western Union.

IDCARE has been liaising directly with the team responsible for this matter at the United States Federal Trade Commission as well as relevant Australian and New Zealand government agency stakeholders. This advice aims to provide further guidance from these discussions to impacted residents. The advice should not be construed as legal advice; IDCARE is not a law firm, rather our advice aims to assist individuals in their decision to submit a claim via the United States Government.

Assessing Your Eligibility

The Federal Trade Commission advise that if you lost money to a scammer who had you pay using Western Union between **January 1, 2004 and January 19, 2017**, you can now file a claim to get a portion of your money back.

This is open to any person irrespective of their nationality and residency. In other words, Australians and New Zealanders are eligible to claim.

How to Claim and What You Need

Claims are to be made online or in writing by **31 May 2018**. To commence the online form go to www.ftc.gov/wu

Note that the online form and process has been outsourced by the US Federal Trade Commission and the Department of Justice to US law firm, Gilardi & Co., who specialise in class actions. This is common practice in the United States. For Gilardi & Co.'s privacy policy please go to <http://www.gilardi.com/#content=General+PrivacyPolicy>

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Important to note: claims will only be considered where they can be verified. It is critical that the Department of Justice is able to determine the date and amount of the transfers made along with your identity information.

IDCARE encourages Australian and New Zealand claimants to attach scanned copies of any Western Union receipts or other evidence of a Western Union transaction.

If you do not have this information it is critical to be able to provide dates (times if possible) and amounts involved in the transfer.

Clearly Australian and New Zealand residents are unlikely to have a Social Security Number. The US Federal Trade Commission have advised to keep this blank, however residents may also wish to attach evidence of identity information, such as a driver licence or passport. Ensure you have the latest anti-virus on your device before you send personal information and delete any files containing your personal information when you have finished communications.

What is a pre-filled claim form?

Most Australians and New Zealanders would not have received a pre-filled claim form. The United States

Government sent to known scam victims in the US pre-filled forms to assist with their claims based on information obtained during their case.



Image sourced from US Federal Trade Commission website 2018

Trouble Proving You Used Western Union

If you don't think you can make a claim based on a lack of information, but you are convinced of being involved in a scam that resulted in a Western Union transfer you may wish to:

- (1) Contact Western Union Australia and New Zealand and request under Australian Privacy Principle 12 (Privacy Act 1988) and the New Zealand Privacy Act 1993 details of your transaction history:
 - i. By email: privacy@westernunion.com
 - ii. By telephone:
 1. 1800 173 833 (Aust Western Union) (press 2, then 5, then 3, then 1);
 2. 0800 005 253 (NZ Western Union)
 - iii. By mail (Aust & NZ):

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Western Union Financial Services, Inc.
P.O. Box Q1522, QVB Post Office
Sydney NSW Australia 1230

- b. Note it will take up to 30 calendar days in Australia and 20 business days in New Zealand for Western Union to respond to your request after it progresses within their organisation for review, verification and retrieval. Also note that you will need to provide evidence of your identity and be specific on the information requested and the format you would like that provided to you (eg. electronic via email). Date and time, MTNC Number (ie. transaction number), total amount transferred in AUD or NZD (ie. transaction history) are likely to be important in supporting your claim. Whilst most companies are able to provide responses to such requests as a free service, IDCARE encourages you to check with Western Union whether there are any retrieval fees associated with your request.
- (2) In addition to contacting Western Union, the Australian Transaction Reports and Analysis Centre (AUSTRAC) for Australians has offered to assist individuals in obtaining evidence of their transaction via their own national holdings. AUSTRAC is Australia's anti-money laundering and counter-terrorist financing regulator and financial intelligence unit. It is a Commonwealth Government agency in Australia and has established an email address for Australians to request evidence of their Western Union wire fraud transaction that they may hold as a result of Western Union's reporting obligations under the AML/CTF Act 2006.
- a. AUSTRAC's process can be found here <http://www.austrac.gov.au/news/refunds-victims-fraud>
- b. AUSTRAC requests that individuals email contact@austrac.gov.au with subject line "WU Remission Scheme, [your Full Name]" and include in the email:
- Full name
 - Address provided at the time of sending the funds
 - Date funds were sent
 - Full name of recipient
 - Address and country of the recipient
 - Amount sent in AUD
 - Branch / outlet funds were sent from
- c. For additional advice in relation to AUSTRAC's process please contact AUSTRAC's Hotline tel: 1300 021 037 (730am to 500pm AEST).

AUSTRAC will require individuals to provide evidence of identity information in order to satisfy themselves that they are communicating with the person requesting the information or the person that is lawfully requesting it on the client's behalf (for example, an Estate or Power of Attorney). This process will be advised by AUSTRAC to individuals requesting information upon initial contact.

AUSTRAC will endeavor to respond to requests as soon as possible and this will be influenced by the demand for their services.

- (3) IDCARE is awaiting advice from New Zealand Police on the process for impacted New Zealander's as the agency responsible for financial intelligence. IDCARE will post updates on our website and social media sites if/when further advice is provided.

IDCARE advises that should a request be made to Western Union, AUSTRAC, New Zealand Police or other party and a response not provided before the cut off date, that claimants state this in the online claim form and attach evidence of this request (for example, a copy of the email or letter sent).

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Scam Awareness

Be aware that scammers have already been detected as being active in relation to this claim. IDCARE is aware that some Government agencies have been impersonated in phishing emails requesting personal information. Please be sure that you are engaging the right organisation by making your own enquiries and doing your own research first. If you are unsure about a communication you have received you may wish to contact IDCARE.

Difficulties in Completing Process and Residual Concerns

If you encounter difficulties in completing this process or have concerns about what you have experienced, please feel free to reach in to IDCARE for free and anonymous advice and support. IDCARE specialises in supporting Australians and New Zealanders who have experienced identity and cyber crimes.

IDCARE Contact Information

Call: 1300 432 273 (Aust) 0800 201 415 (NZ)

Email: contact@idcare.org

Support Request Form: www.idcare.org

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