

The Afterlife of Data

Identity, Surveillance, and Capitalism in Trans Credit Reporting

LARS Z. MACKENZIE

Abstract Credit reports, once solely used to determine individual creditworthiness, have in the past several decades become a tool for authentication processes not directly related to one's capacity to take on debt, namely, in rental housing and employment applications. When trans people change their first names to better align with their gender identities, they often become illegible to credit reporting systems. In this article, the author examines online discussion board posts about trans people's experiences with their credit reports, arguing that the issues trans people encounter illuminate the complex logics of neoliberal capitalism, predatory lending, and the "afterlife" of identification data enabled by big data surveillance.

Keywords data, credit reporting, legal transition, housing, debt

Posting to a discussion board on a website for transgender people,¹ Caitlin² expresses frustration that the three major US credit reporting agencies (CRAs),³ Equifax, Experian, and TransUnion, will not acknowledge her legal name change. She writes:

I have had no luck getting the three credit bureaus to stop reporting my old name under my S[ocial] S[ecurity] N[umber], they just tell me to change my name with my creditors. I was told by an Experian rep to file a request online and upload proof of my identity. I did all that and just got a letter saying they couldn't find credit history for my new name.

Caitlin describes a common experience among trans people attempting to navigate administrative systems that presume identity is stable, consistent, and coherent. After making legal name changes, reporting the changes, and documenting the provenance of their identification data, people like Caitlin cannot tie their new legal identities to their credit histories: why? Although she obtained a

court-ordered name change, Caitlin's outdated identification data sticks to her because of the massive collection and coordination of data by financial institutions. These data are intended to protect individuals from identity theft and to protect lenders, employers, and landlords from making risky investments. Unlike a cisgender woman who changes her surname after marriage, Caitlin's first name change is illegible and suspect to credit reporting systems, even when it is legally sanctioned and documented. She remains marked as her previous (male) name on her credit report, which is used to determine her trustworthiness as a consumer, employee, and tenant. Outdated data stick, maintaining a connection between a past and a present identity and drawing a trans history into focus.

In this article, I examine what the "afterlife of data" reveals about the relationship between identification systems and neoliberal capitalism for trans people who obtain legal name changes. I focus on name changes because, as the opening example demonstrates, a mismatch between legal and other names in a credit file separates people from their credit history or raises suspicion of a fraudulent or trans identity. While scholarship in trans studies has documented how the public sector administers official trans name and sex-designator changes (Spade 2008, 2011), I argue that official identity production is not limited to the public sector. In the United States, the private sector plays an increasingly important role in creating and verifying identities through the use of financial data. In credit reporting systems, trans peoples' identities can be produced or expunged by financial institutions, even when no legal basis for this action exists. Indeed, turning to the private sector reveals how debt, credit, and capital produce legible identities and how consumer data sharing reproduces housing and employment insecurity for trans people through their credit reports.

Centering trans identities in credit reporting practices reveals everyday strategies for manipulation and resistance against capitalism, identification, and surveillance. This article engages in critical trans politics, which Dean Spade (2011: 19) articulates as "a trans politics that demands more than legal recognition and inclusion, seeking instead to transform current logics of state, civil society security, and social equality." Writing against an inclusionary impulse for integration into the credit reporting system, I argue for a transformation of systems in which trans people, people with "bad" credit, no credit, and those with unstable or inconsistent identities are subject to administrative and state violence because of their financial, criminal, or trans histories.

Haunted by Data

The software developer Maciej Ceglowski compares big data to nuclear waste. In a keynote address at Strata + Hadoop World 2015, an international big data conference, Ceglowski (2015) remarked, "The data we are all collecting around people has the same really odd property [as nuclear waste]: it has a lifespan that is longer

than any institution that manages it.” In this conception, big data is nuclear, toxic. It is dangerous long after it has been created and forgotten because the massive amounts of data collected about people are not disposable: they could be useful at some point, particularly when consumer data are used in national security intelligence (Lyon 2014).

Ceglowski’s metaphor is instructive for thinking about trans identity management. The identification data created about trans people do not disappear when individuals change their name. Although describing an identity that may no longer exist (legally or otherwise), it lives on, tied to their other identifying characteristics: their Social Security number (SSN), last known addresses, debts. Outdated data may be sold by third-party data brokers, surrendered to the police and the federal government by search engines and social media sites, or stored indefinitely in data warehouses. Data stick to individuals, matching them to moments when their past selves made contact with the Internet, the state, retailers, and banks. After a legal name change, a trans person’s previous name sticks to credit reports, background checks, and other privately owned and operated authentication technologies that reference a past. Its value may decay over time, but it is still capable of causing harm.

Trans identity management has a queer temporality.⁴ As most trans people cannot change all their data in a legal transition, at some or most points in time, they will legally exist as (at least) two identities. Kadji Amin (2014: 219) remarks, “Transgender experiences are constituted by yet exceed normative temporalities.” The very trouble that trans identities pose to administrative systems is this capacity for multiplicity that makes it possible for trans people (at least through their data) to exist in multiple forms in the past, present, and future. Trans people are indeed haunted by identification data in their credit reports; their previous names have an afterlife that extends indeterminately, sometimes long after a legal name change. Avery Gordon ([1997] 2008: xvi) describes haunting as “one way in which abusive systems of power make themselves known and their impacts felt in everyday life, especially . . . when their oppressive nature is denied (as in free labor or national security).” The “abusive systems” of identification haunt trans people, as the state and financial sectors’ investment in data collection as a risk-aversion and capital accumulation measure ensures that a trans person’s former name might stick to that person indefinitely, emerging in unforeseen moments. While the state may allow some trans people to update all their IDs, big data surveillance and credit reporting practices tie traces of a trans person’s former identity to the present or, as in the opening example, make a trans person’s legal identity effectively invalid.

Credit Reporting Agencies

Credit reporting is a form of financial monitoring that produces identity out of economic activity. Structured by federal legislation and the needs of financial

institutions, contemporary CRAs track and report consumer credit history, enabling financial data to stand in for a person's identity as a potential debtor, consumer, employee, and tenant. Kelly Gates (2010: 419) explains that prior to the 2008 financial crisis, US financial institutions constructed "an expansive network infrastructure" that was capable of systematically identifying and monitoring individuals. She attests, "Thanks significantly to this process, 'identity' itself came to be understood as a disembodied aggregate of transaction-generated data, a digital representation of the person constructed over time and space based on the perpetual collection of more data" (419). Contemporary CRAs are at the center of this network, collecting data and representing individuals in the form of credit reports and credit scores.

Credit reports disclose information about consumer credit history and current accounts, including medical debt, mortgages, education loans, open and closed credit cards, and any accounts sent to debt collection. They include seven to ten years of credit history, though demographic information, such as name(s) and addresses, may be reported indefinitely.⁵ Credit reports were once solely used to determine individual creditworthiness, but in the past several decades they have become a tool for other authentication processes: applications for employment, property rentals, and home, health, and automobile insurance. In other words, credit reports now authorize activities not directly related to one's capacity to take on debt. In this way, credit reports are a tool of neoliberal capitalism, which privatizes access to basic goods and services, rewarding individuals capable of self-management in an increasingly precarious financial landscape.

The notion that an individual's credit history could and should be used in this manner is perhaps unsurprising within the US political economy. Credit reports and credit scores are racialized and classed calculi. A "good" credit score enables a proliferating number of life chances, while a "bad" credit score or no credit history is a sign of riskiness and a failure to adhere to proper self-management. Bad credit or no credit history further exploits low-income people, people of color, and those working in informal economies. Credit reports codify bankruptcies, defaulted payments, and closed accounts as the failings of risky persons, stripping away any consideration of the structures that enforce poverty and encourage debt: centuries of economic disenfranchisement, state policies, and the financial institutions themselves.

Currently, the types of positive accounts reported in a credit file are those associated with the middle class: prime mortgages, automobile and education loans, and credit cards. Making consistent payments on these accounts generates a positive credit report. Alternatively, histories of predatory lending make it more likely for low-income, Black, and Latino/a people to have negative credit histories,

as high interest rates cause many to default on payments and file for bankruptcy (Rugh and Massey 2010; Wyly et al. 2009). For people of color sold subprime mortgages prior to the US housing market crash, a low credit score not only raises interest rates on their debts but also decreases their ability to obtain employment and rental housing. A low credit score and history of bankruptcy enable landlords and employers to rescind offers and lenders to raise interest rates, generating capital for financial corporations.

Credit reporting practices are an instructive example of what Spade (2011: 29) calls “administrative violence,” defined as “administrative norms or regularities [that] create structured insecurity and (mal)distributive life chances across populations.” When creditworthiness is tied to the necessities of daily life, such as employment and housing, credit history and credit scores come to stand in for a person’s potential trustworthiness as an employee or tenant. Further, being outed by a credit report in a job or rental property application process increases the housing and employment insecurity trans people already face. Trans people of color face unemployment rates at four times the US national average and homelessness at twice the national average, and trans people own their homes at less than half the rate of the general public. Just over 40 percent of trans people rely on rental properties for shelter, and 44 percent of trans people report being denied a job because of their gender identity, making this issue of being outed by a credit check increasingly pressing (Grant et al. 2011).

Anyone with an SSN or an Individual Tax Identification Number is eligible for a credit report. However, credit files are generated only when individuals take out credit and creditors report debt or make an inquiry on a person’s account (e.g., when an individual applies for a credit card). Equifax, Experian, and TransUnion each produce credit files with reported credit data. While credit files generated by each CRA should be identical, they sometimes differ, particularly because smaller financial institutions might report to just one or two of the CRAs to avoid the fees required to set up an account with each agency (Equifax 2014). Further, the three CRAs are private corporations, each with proprietary products for sale in consumer, business, and government markets.

Selective reporting and widespread errors cause inconsistencies among reports generated by different CRAs. In 2013 the Federal Trade Commission reported that 40 million people in the United States have errors on their credit reports and 26 million have lower credit scores because of errors. During a congressional hearing on this issue, several US representatives remarked that they had errors in their credit files they had trouble correcting. Representative Ed Perlmutter (D-CO) expressed his concern, stating, “This is the kind of situation where you are guilty until proven innocent, and given that situation, you have to get the reporting right the first time.” When getting data “right the first time”

is a prerequisite for accurate credit reports, trans people and others whose identification data change over time in unexpected or suspect ways can expect little recourse. Representative Mimi Walters (R-CA) echoes this sentiment:

Sadly, the burden is too often placed on the consumers to prove information on their reports as false rather than on the consumer reporting agencies and furnishers. Errors on credit reports are very difficult for consumers to dispute, and it is even harder to have these inaccuracies actually removed from reports, causing heartache and pain for millions across the country. It is time to change that paradigm and ensure that a bad credit score will no longer haunt a consumer for years on end.⁶

A credit report full of difficult-to-remove inaccuracies resonates with other documents that record a history of state-imposed identification on trans people: birth certificates that cannot be changed and IDs that do not match one's gender identity or preferred name. Credit reporting systems can and do accommodate name changes, for instance, for people who change their last names after marriage. However, trans first-name changes require different considerations. When a name change is acknowledged by a CRA, all known previous legal names are listed in the demographic section of the credit report, either as "Formerly Known As . . ." or "Also Known As . . ." Across credit reports, a trans person may be formerly *and* also known as their previous name, suggesting that the past slips readily into the present, confounding the logics of normative time. This practice, which is much less likely to cause issues for a cisgender married person's name change, outs trans people to those accessing the report, leaving trans people unable to choose if, when, how, and to whom they disclose their trans history or identity. The difficulty of removing errors from a credit report forces trans people to either persistently reveal their trans history to employers and landlords or establish new credit identities by taking on risky, high-interest debt. When the impetus rests on individuals to verify their identities and prove their trustworthiness through their credit histories, the credit report can indeed "haunt a consumer for years on end," particularly for trans people whose bodies and identities are already illegible to these systems.

Fraud Alert: Trans Credit Reporting

Trans people's experiences with credit reporting demonstrate the insidious ways that consumer credit reports can plot lives through data points. In this section, I examine discussions on three separate online forums, written by trans people who experienced issues with their credit reports because of a legal name change, and those who gave advice to their peers about credit reporting and debt. All three

forums cater specifically to trans participants. Two of the three are hosted on websites dedicated to trans people, and the third is a subsection of a larger, general, popular discussion forum website. On the two trans-specific sites, commentators were likely to reply multiple times in a thread; on the other site, participation was more ephemeral. Trans people use discussion boards as spaces to strategize how they might manipulate and resist oppressive policies, procedures, and systems across different experiences. Because the impacts of the afterlife of data are long-lasting and unpredictable, it is difficult to ascertain the long-term effects of the strategies trans people employ to manipulate credit reporting data. Further research into this question is necessary, though the question may be elusive precisely because identification data reemerges unexpectedly. However, discussion board posts demonstrate the range and complexity of the problems trans people encounter with their credit reports. While nearly all commentators say that their name change interferes with their credit in some way, they report a spectrum of different experiences about if and when a former name appears on a credit report. While none of the commentators mention the impact that their subject positions (beyond identifying as trans) have on their access to their credit history, this range of experiences is undoubtedly influenced by the commentators' race, gender, class, and citizenship statuses.

Posting to a thread about credit report inconsistencies, Kim expresses frustration at the impossible bind she finds herself in. She cannot access her credit report because of a name change that occurred seven months earlier. Kim is attempting to rent an apartment, but the landlord cannot validate her credit history as part of the application because her name change has not been reported to the CRAs. Her previous name is associated with her credit history, leaving her current name creditless. She explains:

In other words, they won't [update my credit report] until I have credit in my new name and I can't get credit in my new name because there is no official file in that name. I currently do not have any credit cards or debt. . . . I am applying for a rental and will have to include a letter stating that I am a transsexual and give my prior name so they can run a credit check.

Kim voices her complaint to inquire if this has happened to anyone else. In response, a forum participant posts a template letter that Kim can use to request a name change in the credit agency's systems. A few weeks later, Kim posts again in this thread. She writes that she submitted a letter with proof of her court-ordered name change to all three CRAs. TransUnion sent her a credit report with her previous legal name listed as her primary name and her current legal name underneath as "Also Known As." Equifax did not change her records at all and

sent her a report with only her previous name listed, stating that her name did not match any records in their system. Amid this frustration, Kim writes that what is most troublesome is that her credit report will reveal her trans status when she applies for housing. Indeed, landlords running the credit check will continue to have a relationship with Kim if she becomes their tenant. Being outed as trans in this situation has potentially longer-lasting consequences and larger risks than credit checks conducted for other types of applications, such as for a loan or credit card.

Kim states that even though she lives in Oregon, where it is illegal to discriminate based on gender identity, “we all know” that such discrimination is hard to prove and frequently occurs. A résumé-testing study conducted in Washington, DC, demonstrated significant bias against applicants presumed to be trans on paper. DC’s antidiscrimination laws protect gender identity, but researchers found that 48 percent of tested employers preferred less-qualified cisgender applicants to more-qualified trans applicants in the first stages of the job application process (Rainey and Imse 2015). Kim’s fears about revealing her gender history are well founded, even in a state where gender identity is a protected status.

In the scheme of things, Kim appears to have significant economic privilege. The Federal Reserve (2015) reports that as of October 2015, US consumers owe \$3.48 trillion in debt. Kim’s conundrum of carrying no debt puts her in an atypical position. At the same time, her case is important for examining why commonplace reliance on credit reporting in employment and housing decisions is particularly harmful for trans people, beyond what we already know about a credit report’s ability to reify racialized and classed discrimination. Her credit history, used to evaluate her trustworthiness as a tenant, is associated with her previous name, and thus Kim cannot connect her credit history to her current name without coming out as trans. Further, her credit history reflects what she *owes* or has *owed*, not how much she *earns*. To obtain an apartment without coming out to the landlord, Kim is required to have debt, or a recent history of indebtedness, under her new name. A record of debt, rather than earning power, determines her capacity as a tenant. This is not a question of whether Kim makes enough money per month to pay rent. Her future landlord could verify this information with her employer. Rather, the credit check brings about another set of questions: Does Kim carry too much debt? Does she pay her bills on time? Who has trusted her before? Donncha Marron (2009: 108) explains that the credit report “provides a central resource for future credit consumption, presenting itself as a report card of the individual’s capacity to self-govern.” A “good” credit report contains a long history of open accounts, no missed payments, and a low proportion of debts to total available credit. In other words, though having no

debt may functionally make Kim more likely to pay her rent on time, using a credit report for a rental application actually requires that she have *some* well-managed debt under her current name rather than none at all. Importantly, debt would validate Kim's name change in ways that her court order cannot.

Kim encountered a particular problem based on how credit reports manage data. Unlike "credit invisibles," the 26 million, predominantly young, low-income, Black, and Latino/a people in the United States who lack formal credit histories, Kim has been in debt, but it has been repaid in full (Holland 2015). CRAs collect and report what creditors disclose about their account holders. For Kim's credit file to list her name as the primary account holder, her creditors must affirm that she owns her accounts and report this information to the CRAs. When Kim requested that the CRAs update her name, she was unsuccessful because she has no open lines of credit and thus has no creditors to report her updated name. Though Kim has paid off her debt, there is no way for her potential landlord to access this information because the CRAs will not change her credit file until her creditors verify the change. Though Kim is legally "Kim" with the state, her data cannot change until she becomes a debtor again; "Kim" is made legible through recurring debt. Maurizio Lazzarato ([2013] 2015: 89) explains, "Credit has not been given in order to be reimbursed but rather to be in continual flux." The particular way that data about Kim's identity as a financial subject circulate, or, in this case, do not, shapes where and how she is able to live.

Forum participants suggest that Kim can force an update on her credit report by taking out debt. One commentator suggests that Kim should open an account at a different bank and apply for a credit card to force her previous credit history to merge with her new name. She will have to disclose her trans identity to bank tellers there, but the embarrassment will not last long, and she could close the account after a few months. Another commentator agrees, stating that a bank practically begged this person to apply for a credit card after opening an account, and suggests that Kim take out a small personal loan and pay it back immediately to establish a credit history. These suggestions emerge across multiple discussion threads: open a new credit card, take out a loan, and borrow money to establish financial subjectivity through debt. Kim's insistence on remaining debtless may be her largest obstacle: credit, especially in the form of a credit card, is easy to come by. Since the 1978 deregulation on consumer interest rates, credit card companies have drastically raised rates and extended credit to riskier borrowers, capitalizing on revolving debt remaining in their accounts each month. By the early 2000s "consumer credit became the most profitable sector of banking" (Gates 2010: 420).

While Kim stresses that she wishes to avoid taking on debt, even if she wanted to, she may have trouble opening a new account. Her previous name is

still attached to her SSN in her credit file, which would produce a fraud alert if she attempted to apply for credit under the name Kim. Another forum poster remarked:

[It] makes no sense how you can go through so much trouble . . . to change name [*sic*] because they are like “We want to make sure you aren’t avoiding taxes, or debts, or changing your name for a bad reason” and then your name is changed, the S[ocial] S[ecurity] A[dministration] has the changed name, and even with your SSN being the same these credit companies are like “fraud alert.”

A fraud alert triggered by a trans person using a new name demonstrates key logics of the surveillance of trans subjects. Toby Beauchamp (2009: 361) writes, “Concealing and revealing trans identity actually depend on one another, demonstrating the impossibility of thinking these actions as binary opposites. To conceal one’s trans status under the law requires full disclosure to the medico-legal system, which keeps on public record all steps taken toward transition.” To push Beauchamp’s point farther, trans identification data exceed public records; it is also managed in the private financial sector. Many trans people are required to fully and persistently disclose their trans history, not just “under the law,” but also to the countless private institutions that collect, manage, and report their consumer data. Trans people may not only medically and legally transition but also (attempt to) transition the innumerable remnants of the consumer data connecting their former name to their current name.

Indeed, Experian (2015) explains that previous names are reported on credit reports to protect consumers against fraud: “Name variations and unknown names can be an indicator that an identity thief is using your identity to apply for new credit. If that happens, the list of names on your report can enable you to take rapid action to prevent ongoing credit fraud.” Trans name changes are flagged as potentially fraudulent because they change in unexpected ways. Removing a former or incorrect name from a credit report is nearly impossible for this reason: all names associated with an individual continue to be reported to prevent fraud. However, retaining an incorrect or former name on a credit report also legitimizes the connection between those names and the credit file, thus enabling fraudulent activity (any person listed on the credit report can claim ownership of the credit history) and outing trans people.

In another thread, Derek presents a way to build a “stealth” credit profile. Derek created a new financial identity by applying for an introductory-rate credit card in his new legal name. He explains, “You can start with store cards, an . . . introductory card, a phone contract. . . . That’s how I did it and there is literally no record of my previous existence in the system.” Rather than link his previous

credit history to his present, Derek elects to start over by obtaining high-interest credit. For Derek, an empty credit file is more desirable than having his previous name listed on his credit report, especially if his concerns are finding a job or an apartment. A landlord or employer may not care how long Derek's credit history is, just that he has one. However, the cost of obtaining high-interest credit to avoid revealing a trans history is high if Derek needs a loan: potential lenders will likely see Derek's lack of history as a liability.

In what seems the opposite of Kim's concerns, another participant, Chris, begins a discussion thread inquiring about the *absence* of his previous name on his credit report. He wonders: has his credit been erased because he changed his name? Chris checked with all three CRAs and found no trace of his previous name, unlike many other participants whose names appeared on one or more reports as "Formerly . . ." or "Also Known As." When Kim spoke to the CRAs, she was told that if they changed her primary name in her credit file, her previous name would always be listed as well. She remarks that her former name *might* be removed only if she contacts every creditor she has ever had and asks them to report her name change. Chris experiences his name change with the same CRAs differently. He is not even sure that his previous credit history is connected to his identity any longer. This difference in experiences recurred throughout discussion threads: the most common experience trans people relayed about their credit report was confusion and inconsistency. Actions taken by any one person frequently yielded vastly different results when done by another. While Kim is an exception for having no creditors, other trans participants who do have open credit lines report seeing former names on their reports, unlike Chris.

Although Chris's previous name does not show up in his file, his prior identity is not fully subsumed in his name change. Chris notes that he receives credit card offers in the mail for his birth name but not his legal name. While Chris's previous name is not listed on his credit report, he is extended credit in that name—a name that for all intents and purposes should not identify him any longer. The practice of receiving "preapproved" credit card offers in the mail began in the 1990s, when consumers previously deemed too risky to be extended credit were seen as highly profitable markets for high-interest-rate credit cards. Gates (2010: 37) explains, "Such consumers were inundated with aggressive direct-market campaigns: rather than requiring consumers to apply for a credit line directly, creditors sent offers, even the cards themselves, to consumers who had not requested them." The haphazard extension of high-interest, predatory credit cards to two identities with the same SSN is evidence of the infrastructure of credit card company databases that do not erase past demographic (or third-party) data, the fractured nature of identities, and the aggressive and expansive extension of credit for profit.

Extending credit to individuals who may no longer legally exist illuminates the structuring logics underlying the use of credit reports in employment and housing decisions. Credit reports aim to protect the transference of property to “proper” financial subjects; a credit report generated for a nonexistent person with good credit and consistent gender identification might be more likely to result in a successful application than one of a person with a visible trans history. Further, depending on which name(s) are present on a credit report, a trans person may apply for credit cards under two different names, be approved for one, both, or neither. This proliferation of identities is profitable for credit card companies so long as account holders remain responsible for paying back their debts.

Major credit card companies’ aggressive extension of credit also presents an opportunity for trans people. Some trans forum participants comment that before a legal transition, they are able to add authorized users to their credit card accounts in their preferred names. People who have not changed their name but have a credit card in their birth name could request a card for an authorized user in a name that better aligns with their gender identity. Some credit card companies allow primary account holders to add authorized users by simply providing the user’s name and address. These users’ identities need not be further authenticated as long as the primary account holder is liable for their purchases. While this is a practice that might benefit trans people who cannot or do not want to legally transition, it also points to the fractured, inconsistent practices of financial institutions’ management of consumer data, which put private information at risk. Identities can be easily created through debt, but how are they accounted for later? As another poster remarks, “It’s funny, apparently it’s easy enough for our identities to be stolen . . . but so hard for us to prove who we are.” A high-interest credit card forces a new credit file after a name change *and* puts trans people at higher risks of debt accumulation. The afterlife of trans identity data enables Chris and his previous name to exist simultaneously in different spaces of the financial sector, tucked deep in database fields that customer service representatives do not know how to, or perhaps do not want to, change. Current and previous names circulate as commodities and indictments.

The Promise of Data Errors?

Financial and legal identities are made up of keystrokes, faxed pages, photocopies, data fields, and phone calls. While for many, errors on their credit reports cause serious issues, data errors also present an opportunity to manipulate identification systems. Especially prior to the contemporary moment of increased trans visibility in dominant media, trans people who are able to “pass” as cisgender have successfully convinced data entry clerks that the “M” or “F” on their IDs were erroneously entered. Banking on clerks’ limited knowledge about trans people

and passing privileges, trans people have been able to obtain legal sex changes at the Department of Motor Vehicles without authorizing letters from medical professionals. One such person shared her story on a popular trans-oriented website:

I just told the clerks that my license said I was 5'8" and that I was male (!!). I told them that, well, I'm female and 5'6" and they graciously changed it without requesting the letter from my doctor I had with me. The clerk that finally entered the data correction said that the person who entered the data . . . "must have had their fingers on the wrong keys." The moral of the story is, approach the sex change on the license as a mistake in data entry and you might have a very easy time. (James 2015)

While discussion board participants report that databases' inability to accommodate gender transitions cause issues for credit reports, this contributor's comments pervade stories about legal transition. Just like sex, data are socially constructed. In this case, the data about one's sex can be changed with a keystroke. This point is crucial: "Approach the sex change . . . as a mistake in data entry and you might have a very easy time." The notion that a mistake in data entry would benefit someone flies in the face of the cases above, where data inconsistencies cause denials. Identification information is supposed to be an accurate, reliable, and unique technology to identify individuals, yet such data are constructed by multiple offices and produced, edited, and maintained by humans who interpret information differently and make errors. The person requesting that her driver's license read "F" instead of "M" appeared female to the clerk, and the clerk read her identification card as having an error. While other trans people who want to change their sex on their licenses may have to have expensive or unwanted medical interventions to obtain this change, for this woman, this proof was unnecessary. Data about sex could be changed on the spot.

Errors on credit reports are far more common than errors on driver's licenses, often with long-lasting negative effects. One discussion board commentator suggests that the high prevalence of credit reporting errors might work to the advantage of trans people who cannot remove a former name from their report. She explains that the large number of errors in credit reports can help trans people, "If someone asks me, 'why is this other name on your credit report?' I can just say, 'haha, guess some guy named Michael has a similar SSN as me and someone at a bank screwed up somewhere.'" Another poster commented that if her employer ever asked her why there was a male name on her credit report, she would say that the male name is her brother, and when they were children, her mother mixed up her SSN with her brother's when setting up a bank account, thus

leaving his name permanently attached to her credit report. While the disconnected yet interrelated processes that go into producing a credit report are a bureaucratic nightmare for some, these examples demonstrate that the materiality of the bureaucracy may work in the favor of illegible subjects at certain moments, disrupting the presumed omnipotent power of data systems to tell the truth of a person's identity. Trans people take advantage of the confusing and chaotic processes of data identity production and push back against neoliberal capitalism, surveillance over their bodies, and the assertion that institutions must have the final word on which data are produced about them.

Conclusion

Trans peoples' experiences with their credit reports draw our attention to how bodies are governed not only by legal administrative systems but also increasingly through their consumer data. Trans people's identities challenge the assumptions of credit reporting systems that equate multiple names with fraudulent activity and push us to think beyond the reliance on error-laden credit checks for broad verification and the increased securitization of identities.

Both the predatory logics of neoliberal capitalism and opportunities for subversion are revealed when looking to the credit report as a site where trans identities are produced and managed. Debt propels the afterlife of trans identity into the future and halts illegible, improper subjects in the past. Those who encounter trouble accessing debt or verifying their identities—undocumented immigrants, sex workers, trans people with inconsistent IDs—live in shared housing, work in informal economies, pay with cash, use payday loans and high-fee check-cashing services, and, overall, pay more for services than those with established credit histories.

The status of credit shifted drastically in the United States over the twentieth century. In the early 1910s paying for goods with credit signaled a lack of personal responsibility, but by the 1960s, credit was a marker of high social status (Hyman 2011). In the beginning of the twenty-first century, with consumer debt at an all-time high and millions struggling to repay their debts, another relationship with credit, debt, and data is possible. The issues trans people face with credit reporting demonstrate that it is imperative that we no longer rely on perpetual indebtedness, or extensive data sharing and identity verification, to access the means to livable lives.

Lars Z. Mackenzie is a doctoral candidate in feminist studies at the University of Minnesota. His dissertation examines how trans people navigate administrative systems, with a focus on their changing identification data.

Notes

1. Hereafter *trans*. While *transgender* and *trans* can signify differently, I use *trans* to capture a broad range of people who identify as transgender, transsexual, and/or gender nonconforming.
2. All names have been changed to protect the privacy of discussion board participants.
3. Credit reporting agencies are commonly referred to as credit bureaus.
4. For a discussion of trans bodies and queer temporality, see Halberstam 2005.
5. Closed accounts will remain in a person's credit file for seven years. Bankruptcy will remain in a credit file for ten years. See Fair Credit Reporting Act, 15 U.S.C. § 1681.
6. US Congress, House Committee on Financial Services, *Overview of the Credit Reporting System: Hearings, September 10, 2014*, 113th Cong., 2nd sess. (Washington, DC: GPO, 2015), financialservices.house.gov/uploadedfiles/113-97.pdf.

References

- Amin, Kadji. 2014. "Temporality." *TSQ* 1, nos. 1–2: 219–22.
- Beauchamp, Toby. 2009. "Artful Concealment and Strategic Visibility: Transgender Bodies and U.S. State Surveillance after 9/11." *Surveillance and Society* 6, no. 4: 1–11.
- Ceglowski, Maciej. 2015. "Haunted by Data." idlewords.com/talks/haunted_by_data.htm (accessed October 5, 2015).
- Equifax. 2014. "Eight Things You Don't Know about Your Credit Score." Equifax Finance Blog, January 9. blog.equifax.com/credit/eight-things-you-dont-know-about-your-credit-score/.
- Experian. 2013. "Why Previous Names Appear on Your Credit Report." September 10. www.experian.com/blogs/ask-experian/why-previous-names-appear-on-your-credit-report/.
- Federal Reserve. 2015. "Consumer Credit—G.19 Release." December 7. www.federalreserve.gov/releases/g19/20151207/.
- Federal Trade Commission. 2013. "In FTC Study, Five Percent of Consumers Had Errors on Their Credit Reports That Could Result in Less Favorable Terms for Loans." Press release, February 11. www.ftc.gov/news-events/press-releases/2013/02/ftc-study-five-percent-consumers-had-errors-their-credit-reports/.
- Gates, Kelly. 2010. "The Securitization of Financial Identity and the Expansion of the Consumer Credit Industry." *Journal of Communication Inquiry* 34, no. 4: 417–31.
- Gordon, Avery. (1997) 2008. *Ghostly Matters: Haunting and the Sociological Imagination*. Minneapolis: University of Minnesota Press.
- Grant, Jaime M., et al. 2011. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Washington, DC: National Center for Transgender Equality and National Gay and Lesbian Task Force. www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.
- Halberstam, Judith. 2005. *In a Queer Time and Place: Transgender Bodies and Subcultural Lives*. New York: New York University Press.
- Holland, Kelley. 2015. "45 Million Americans Are Living without a Credit Score." CNBC, May 5. www.cnbc.com/2015/05/05/credit-invisible-26-million-have-no-credit-score.html/.
- Hyman, Louis. 2011. "Ending Discrimination, Legitimizing Debt: The Political Economy of Race, Gender, and Credit Access in the 1960s and 1970s." *Enterprise & Society* 12, no. 1: 200–232.
- James, Andrea. 2015. "Legal Name Change Tips." Trans Road Map. www.tsroadmap.com/reality/name-change-tips.html (accessed October 1).

- Lazzarato, Maurizio. (2013) 2015. *Governing by Debt*. South Pasadena, CA: Semiotext(e).
- Lyon, David. 2014. "Surveillance, Snowden, and Big Data: Capacities, Consequences, Critique." *Big Data & Society* 1, no. 2: 1–13. doi:10.1177/2053951714541861.
- Marron, Donncha. 2009. *Consumer Credit in the United States: A Sociological Perspective from the Nineteenth Century to the Present*. New York: Palgrave Macmillan.
- Rainey, Teresa, and Elliot Imse. 2015. *Qualified and Transgender: A Report on Results of Resume Testing for Employment Discrimination Based on Gender Identity*. Washington, DC: Office of Human Resources. ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/QualifiedandTransgender_FullReport_1.pdf.
- Rugh, Jacob, and Douglas Massey. 2010. "Racial Segregation and the American Foreclosure Crisis." *American Sociological Review* 75, no. 5: 629–51.
- Spade, Dean. 2008. "Documenting Gender." *Hastings Law Journal* 59, no. 1: 731–842.
- . 2011. *Normal Life: Administrative Violence, Critical Trans Politics, and the Limits of Law*. Brooklyn, NY: South End.
- Wyly, Elvin, et al. 2009. "Cartographies of Race and Class: Mapping the Class-Monopoly Rents of American Subprime Mortgage Capital." *International Journal of Urban and Regional Research* 33, no. 2: 332–54.