

Script for when a bank or Debt Collection Agency (DCA) Calls

DCA: Hello is that Mr Smith? (or what ever name you have)

Me: That depends entirely on who is asking.

DCA: Ah ok, sorry my name is Tom and I'm calling from so and so Limited. (They often do not disclose that they are a DCA – let's assume this is an oversight rather than a deliberate omission.)

Me: Is that debt collector?

DCA: We are acting on behalf of so and so bank.

Me: So you aren't actually the bank?

DCA: No sir, we are so and so calling on behalf of the bank.

Me: So you're a debt collector?

DCA: Yes sir, we are a debt collection agency

Me: Ok so why has it taken you so long to confirm that?

DCA: (after a second of silence) I don't know sir.

Me: Ok, and what is this call regarding?

DCA: Well Mr Smith (Tom hasn't yet established that I am Mr Smith) we first need to go through security before I can discuss anything with you.

Me: Ok and what does that entail?

DCA: Well first I have to advise you that our call is being recorded for security and training purposes...is that ok?

Me: That's fine yes, I was about to inform you that I have the same policy and that YOU are also being recorded.

DCA: Ok, Mr Smith (Still not verified that he's actually talking to Mr Smith) we have to verify that you are the account holder before we can discuss anything, so there are a series of security questions that I would like to go through to verify your identity.

Me: Ok, and assuming that I proceed to entertain your verification process, what can you offer that will confirm to ME that you are in fact who you say YOU are?

DCA: I don't know what you mean?

Me: Well, you said that you'd like to verify MY identity by taking me through some security questions. I'm now asking what you would like to do to verify YOUR identity to me.

DCA: Well sir, I'm not sure what I can say, shall I take it that you are NOT prepared to proceed with our security checks?

Me: Not at all. I'm more than happy to take your quiz. It sounds like fun. But I asked how YOU intend to verify yourself.

DCA: Well sir, you could call us back on one of the numbers on the letter we sent.

Me: Why would I want to do that?

DCA: So that we can discuss your account.

Me: Which account is that?

DCA: I'm sorry sir I cannot discuss until we have cleared security.

Me: So you are claiming that I have an account with you?

DCA: Yes, sir I am and you do.

Me: And yet I have no recollection of ever having any business relationship with so and so debt collectors.

DCA: Yes sir.

Me: What?

DCA: I'm sorry sir I don't understand.

Me: What would you like to do?

DCA: I'd like to progress you through our security checks sir so that we can discuss your account.

Me: I'm afraid I can't do that as I don't know who you are.

DCA: Sir, I just told you who I am.

Me: Why would I accept that? Are you prepared to give me your full name , address and post code?

DCA: o sir, I'm not permitted to do that.

Me: Well. That's not starting on a very good footing is it? You want to know all of my details but refuse to disclose your own.

DCA: That's our policy sir. We are not allowed to give out our details due to data protection.

Me: But you expect me to do it. Are you aware of the bias you're exhibiting right now?

DCA: I am sir, yes.

Me: That's not a very fair way to do business with your alleged customers is it? You don't seem to want to verify me unless I make a call to your office.

DCA: Yes sir.

Me: But why would I do that when YOU called ME and I am already here talking to you?

DCA: Sir, I can see that we are getting nowhere here.

Me: Precisely.

DCA: I'll make a note on the account that you refused a security check.

Me: Ah, no you won't do that because I have not refused the security check. I'm simply trying to establish who is calling me before giving my details. You clearly know how tight things have become these days with data protection.

DCA: Yes sir (Tom is deflating rapidly)

Me: So what would you like to do?

DCA: I don't know sir, perhaps we can write to you?

Me: Probably the best idea. Do you have my address?

DCA: Yes sir.

Me: Ok read it back to me.

DCA: (he does)

Me: Yes, that's my address, where did you obtain that?

DCA: Sir, I'm not permitted to disclose that information.

Me: I understand Tom, but do you realize that you've just broken data protection law by quoting a private address to me without disclosing my identity?

DCA: (Sighs loudly)

Me: Are we done or is there more you would like to NOT discuss?

DCA: No sir, that's fine. We will get a letter off to you first thing in the morning.

Me: That's great. I'm looking forward to receiving it. And before we go Tom, can I ask you to remove my name from your calling list as it will never get anywhere if you continually fail to verify your identity when calling and it could be construed as harassment.

DCA: Yes sir, that's not a problem, I'll remove you from the call list immediately.

Me: Great thanks, I'd hate to have to report you.

DCA: Thank you Mr Smith, have a nice day.

Me: Wait, Tom!

DCA: Tes sir?

Me: You haven't yet verified that I'm Mr Smith.

Click

A few days later the letter arrives and it's no different to the ones they already sent, aside from the top line stating that they tried unsuccessfully to progress me through their security checks.

I generally ignore all communications from DCA's that do not include a Notice of Assignment (NoE). Without one, they have nothing – with one they only have a more expensive uncollectable debt.

I'll say that again to drive it home. I *never* respond to DCA's that are operating without a NoE as they have no cards to play and I'm not legally required to acknowledge them. They can fluff their feathers all they want but there's literally nothing behind it.

We can respond to letters if we want but nothing will come of it other than the debt being quickly sold on again.

So to deal with DCA's we use the same process as with the bank.

As with anything commercial we must always be the grown up in the situation and deal with matter appropriately and in a timely fashion. So in the event that they do actually produce a NoE we proceed in exactly the same way as with the bank, except that the beginning of our letter invites them to prove their legal standing in the matter (as an interloper this is impossible).

They're very quick to reveal their position by a progressive tone and thinly veiled threats in their correspondence.

Whichever way it goes they are required, same as with court cases, to provide full disclosure and that includes:

1. How much was the debt bought for?
2. Who was it bought from?
3. Who is the first hand material witness in the matter?
4. What due diligence have they conducted to verify that the debt is legal
5. That they are in possession of the redemption note- our Security Instrument
6. Their legal relationship with us as someone they claim owes them something
7. The legal contract with them that demands our performance.
8. Legal terms and conditions of said contract.