

Seventh Circuit Holds Company Can Print Credit Card's Middle Digits on Receipt

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The Seventh Circuit recently held that Shell Oil had not violated the Fair and Accurate Credit Transactions Act (FACT Act) by printing on sales receipts the middle four digits –instead of the last four digits- of the number on its customers' credit cards. The Act states that a sales receipt cannot display "more than the last five digits of the card number." 15 U.S.C. § 1681c(g). Shell Oil issues its own gas cards, which are credit cards that can be used by customers at its gas pumps. These cards begin with a nine digit customer account number, and end with a five digit card number. The receipts issued at the pump listed the last four digits of the customer's account number, rather than the last digits of the card number.

The district court held that by printing what was, essentially, the middle four digits of the full number on the card, the company had violated the FACT Act. Plaintiffs were asking damages of \$100 for each person who had used a card at a Shell station, which would have exceeded \$1 billion, despite, according to the Seventh Circuit, not "a penny's worth of injury." In overturning the lower court's decision and finding that there had been no violation, the Seventh Circuit held that Shell Oil had not willfully violated the FACT Act by printing the last digits of the "account number" rather than last digits of the card. In so ruling, the court noted that the law requires a willful violation for a company to be held liable for damages under FACT Act.

TIP: This case suggests that there may be some flexibility in selecting what truncated set of digits to print on a credit card receipt if there is a good faith reason to do so, and the company is not acting in willful violation of FACT Act. It is important to note, though, that the court's decision here was very fact-specific, and was informed by the fact that Shell printed the last four digits of an "account number," even though these numbers appeared in the middle of the number on the card. It is not clear that other cases would come out the same if the middle digits of a card were printed on the receipt.

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