

(1 April 2014 – to date)

NATIONAL CREDIT ACT 34 OF 2005

(Gazette No. 28619, Notice No. 230. Refer to the Act for the various commencement dates.)

REMOVAL OF ADVERSE CONSUMER CREDIT INFORMATION AND INFORMATION RELATING TO PAID UP JUDGMENTS REGULATIONS, 2014

Government Notice R144 in Government Gazette 37386 dated 26 February 2014. Commencement date: 1 April 2014.

I, Dr Rob Davies, Minister of Trade and Industry, after having published a notice inviting public comments on removal of adverse consumer credit information in *Government Gazette* No. 36889 of 30 September 2013 under Notice 966 of 2013, in terms of section 171 hereby make the regulations as set out below.

(Signed)

Dr Rob Davies (MP)

Minister of Trade and Industry

Date: 25/2/2014

REGULATIONS

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1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act bears the meaning assigned to it in the Act, unless the context indicates otherwise-

"adverse consumer credit information" for the purposes of these Regulations means -

- (a) adverse classifications of consumer behaviour are subjective classifications of consumer behaviour and include classifications such as 'delinquent', 'default', 'slow paying', 'absconded' or 'not contactable';
- (b) adverse classifications of enforcement action, which are classifications related to enforcement action taken by the credit provider, including classifications such as 'handed over for collection or recovery', 'legal action', or 'write-off';
- (c) details and results of disputes lodged by consumers irrespective of the outcome of such disputes;
- (d) adverse consumer credit information contained in the payment profile represented by means of any mark, symbol, sign or in any manner or form;

"paid up judgments" for the purposes of these Regulations means civil court judgment debts, including default judgments, where the consumer has settled the capital amount under the judgment (s).

"the Act" means the National Credit Act, 2005 (Act No. 34 of 2005).

2. Requirements, processes and timeframes for Credit Bureaus

- (a) A registered credit bureau must remove:
 - (i) adverse consumer credit information defined in Regulation 1, as reflected on a consumer's records held by any such registered credit bureau as at the effective date of these Regulations; and
 - (ii) information relating to paid up judgments on an ongoing basis.
- (b) A registered credit bureau must remove adverse consumer credit information and information relating to paid up judgments as contemplated in Regulation 2(a) within a period of two (2) months from the effective date of these Regulations.
- (c) Before the expiry of the period of two (2) months contemplated in Regulation 2(b), a registered credit bureau may request an extension of not more than seven (7) days for the removal of adverse consumer credit information and information relating to paid up judgments.
- (d) A request for an extension contemplated in Regulation 2(c) must be submitted to the National Credit Regulator at least seven (7) days before the expiry of the two (2) months period contemplated in Regulations 2(b).

- (e) Within three (3) days of removing the adverse consumer credit information and information relating to paid up judgments in terms of these Regulations, a registered credit bureau must notify all other registered credit bureaus of such removal.
- (f) Within three (3) days of receiving notification contemplated in Regulation 2(e), any such registered credit bureau must remove similar adverse consumer credit information and information relating to paid up judgments from its records.
- (g) A registered credit bureau must not record or retain on its register adverse consumer credit information and information relating to paid up judgments if such information were removed in terms of these Regulations.
- (h) A registered credit bureau must ensure that during the period contemplated in Regulation 2(b), the adverse consumer credit information and information relating to paid up judgments that ought to be removed in terms of these Regulations is not displayed or provided to credit providers, or any person requesting such information.
- (i) After the two (2) months period mentioned in Regulation 2(b), a registered credit bureau must continue to remove information relating to paid up judgments within seven (7) days after receiving proof of such payment.

3. Submission and utilisation of adverse consumer credit information by Credit Providers

- (a) A credit provider must submit all information relating to paid up judgments to all registered credit bureaus within seven (7) days of receipt of such payment from the consumer.
- (b) A credit provider who had not submitted all adverse consumer credit information and information relating to paid up judgments required for the purposes of these Regulations to registered credit bureaus as at the effective date of these Regulations, must submit such remaining adverse consumer credit information and information relating to paid up judgments to the registered credit bureaus within seven (7) days after the effective date of these Regulations.
- (c) If the credit provider fails to submit the adverse consumer credit information for listing within the seven (7) days contemplated in Regulation 3(b) it must not proceed to list such information with a registered credit bureau.
- (d) A credit provider must not use adverse consumer credit information and information relating to paid up judgments that have been removed in terms of these Regulations for any reason, including credit scoring and assessment.

- (e) A credit provider must not re-submit for purposes of listing adverse consumer credit information and information relating to paid up judgments that were removed in terms of these Regulations to any registered credit bureau.

4. Reporting and Monitoring

- (a) A registered credit bureau must within one (1) month after the period contemplated in Regulation 2(b) submit to the National Credit Regulator an audit report conducted by an independent auditor containing the following information:
 - (i) Confirmation that all adverse consumer credit information and information relating to paid up judgments contemplated in these Regulations have been removed.
 - (ii) Recommendations, if any, of appropriate measures to be implemented by the registered credit bureau, including timeframes for implementation, to ensure full compliance with these Regulations in the event that gaps were identified.
 - (iii) A plan for the implementation of systems and procedures to assist the registered credit bureau to prevent adverse consumer credit information and information relating to paid up judgments, that have been removed in terms of these Regulations, from being listed again.
- (b) Within three (3) months of receiving the report contemplated in Regulation 4(a). the National Credit Regulator must submit a report to the Minister on the effectiveness and compliance with these Regulations.
- (c) The National Credit Regulator must monitor the implementation of these Regulations, including the removal of information relating to paid up judgments on an ongoing basis.

5. Consumer duties and obligations

Irrespective of the removal of adverse consumer credit information from a consumer's credit record, the consumer remains liable to meet his/her obligations in respect of the credit agreement.

6. Information and Complaints

- (a) A consumer who is aggrieved by non-compliance with these Regulations or requires clarity in regard to these Regulations may contact the National Credit Regulator at -

Physical address: 127-15th Road, Randjiespark, Midrand.

Toll-share number: 0860 627 627

Email address: complaints@ncr.org.za

- (b) A consumer that requires information relating to his or her credit record may contact the credit bureaus below:

Name	Tel	Fax	Email Address
Compuscan Information Technologies (Pty) Ltd	0861 514 131	021 413 2424	info@compuscan.co.za
Consumer Profile Bureau (Pty) Ltd	010 590 9505	086 556 3299	info@cpboline.co.za
Crosscheck Information Bureau (Pty) Ltd	010 590 9505	086 556 3299	info@crosscheckonline.co.za
Experian South Africa (Pty) Ltd	0861 1058 665	011 463 3988	consumer@creditexpert.co.za
Inoxico (Pty) Ltd	(012) 664 1967	086 682 1763	inoxico@inoxico.com
LexisNexis Risk Management (Pty) Ltd	(011) 245 6500	011 463 3988	contact@lnrm.co.za
Managed Integrity Evaluation (Pty) Ltd	(012) 644 4000	(012) 644 2055	info@mie.co.za
Robertsons International Report (Pty) Ltd	(011) 777 4000	(011) 777 4050	reports@robreps.co.za
Tenant Profile Network (Pty) Ltd	086 187 6000	(011) 234 7803	helpdesk@tpn.co.za
Tenant Watch Business Activities (Pty) Ltd	(011) 3946828	0862062436	sonica@tenantwatch.co.za
Transunion Credit Bureau (Pty) Ltd	0861 482 482	(011) 388 4193	webadmin@transunion.co.za
Xpert Decision Systems (Pty) Ltd	(011) 645 9100	(011) 484 6588	info@xds.co.za
CreditWatch (Pty) Ltd	(011) 483 0086	(011) 483 3264	info@medicalcreditwatch.co.za

7. Non-adherence

Non-adherence with these Regulations will be dealt with in terms of the remedies and procedures under the Act.

8. Title and effective date

These Regulations shall be called Removal of Adverse Consumer Information and Information Relating to Paid Up Judgments Regulations, 2014 and shall come into effect on 1 April 2014.