

SUPPLEMENT to the Solomon Islands GazetteMonday 8th August, 2016

S.I. No.35

[Legal Notice No. 48]

**CENTRAL BANK OF SOLOMON ACT 2012
NO. 6 OF 2012)****SOLOMON ISLANDS CREDIT BUREAU REGULATION 2016**

IN exercise of the powers conferred upon the Central Bank by section 62 of the Central Bank of Solomon Islands Act 2012, the Central Bank hereby makes the following regulations:

Citation

1. These Regulations may be cited as the Central Bank of Solomon Islands Credit Bureau Regulation 2016.

Commencement

2. These Regulations are issued under Section 29 of CBSI Act 2012 and shall come into operation on the date published in the Gazette Notice.

Application and effect

3. These Regulations shall apply to all Credit Bureau licenced and operating in Solomon Islands.
4. These Regulations imposed controls on the manner in which the personal information of one identifiable individual can be compared to the personal information of the other identifiable person for purposes of producing or verifying information about the identifiable individual.

Definition

5. “**access Log**” means a record of every access made to Credit Information held by Credit Information Service Providers, other than access that is automatically generated by the Credit Bureau itself;

“Credit Bureau” means a bureau licensed by the Central Bank of Solomon Islands to collect and store Credit Information of an Individual or a Legal entity;

“compliance overseer” means the Central Bank of Solomon Islands or any other person appointed by the Central Bank of Solomon Islands to oversee the compliance function;

“credit” means acquiring of goods or services prior to payment and money on loan;

“credit default information” means the Credit Information listed in paragraph (e) of the definition of Credit Information;

“credit information” means the following types of personal information:

- (a) in respect of Identification Information -
 - (i) full name;
 - (ii) alias or previous name, if any;
 - (iii) sex;
 - (iv) date of birth;
 - (v) current or present address; and
 - (vi) previous address, if any;
- (b) in respect of supplementary Identification Information -
 - (i) occupation;
 - (ii) previous occupation, if any;
 - (iii) current employer;
 - (iv) previous employer, if any;
 - (v) spouse; and

National ID number/National Passport Number/Driving Licence Number or similar identification.

- (c) relating to identification documents reported lost or stolen or otherwise compromised;
- (d) reported by a Credit Provider about an application for credit by an individual and such information is -
 - (i) type of Credit sought;
 - (ii) amount sought or applied for and amount granted or approved;
 - (iii) type of application (whether single applicant, joint applicant or guarantor);

- (iv) date of the application;
 - (v) balance of loans outstanding;
 - (vi) details of the Credit Provider;
 - (vii) Credit Provider's client reference number;
 - (viii) description of all collaterals or security pledged; and
 - (ix) Income or salary
- (e) credit default Information reported by a Credit Provider such as:
- (i) notice that an account for which an Individual is holder or guarantor is in default for more than 30 days;
 - (ii) capacity of the Individual (such as account holder or guarantor);
 - (iii) date of the default;
 - (iv) type of account, the amount in default and the total amount owing on the account;
 - (v) status of the default including details of any referral to a Debt Collector and any payment, part payment, scheme of arrangement or write-off subsequent to the default;
 - (vi) details of the final settlement of an amount of default;
 - (vii) details of the Credit Provider; and
 - (viii) Credit Provider's client reference number;
- (f) serious credit infringement information;
- (g) information relating to orders or judgments for monies owed that have been entered against an Individual;
- (h) information relating to adjudications, discharges, suspensions of discharges and annulments of bankruptcy of an Individual;
- (i) information sourced from a Specified Public Register;
- (j) an Access Log;
- (k) a credit score;
- (l) a correction statement or notice of disputed debt attached to Credit Information and;
- (m) administrative information incidental to credit reporting activities;

“credit provider” means a financial institution whose business involves provision of credit to individual and that the individuals have entered into a Credit Provider agreement with Credit Bureau;

“credit provider agreement” means a written agreement between the Credit Provider and Credit Bureau that provides the former with access to Credit Information held by the latter;

“credit report” means credit information about an individual that is disclosed by a Credit Bureau;

“debt collector” means an agency that carries on a business of collecting debt;

“identifiable individual” means a person in respect of whom personal credit information is being stored and collected by the Credit Bureau;

“identification information” means the credit information listed in paragraph (a) of the definition of Credit Information;

“individual” means any natural person;

“legal entity” means a company or business that is incorporated under Companies Act 2009;

“previous enquiry record” means that part of the access log relevant to the assessment of creditworthiness that is displayed in a credit report;

“prospective employer” means a person who has offered to employ or appoint an individual or who has entered into negotiations to employ or appoint an individual;

“prospective insurer” means a person who has offered to insure an individual or who has entered into negotiations to insure an individual;

“prospective landlord” means a person who has offered to grant a tenancy of premises to an individual or who has entered into negotiations to grant a tenancy to an individual;

“prohibited sensitive information” means data or information revealing any medical and physical conditions or sexual orientation of a individual;

“serious credit infringement” means an act done by an individual -

- (a) that involves fraudulently obtaining credit, or attempting fraudulently to obtain Credit;
- (b) that involves fraudulently evading the individual’s obligations in relation to credit, or attempting fraudulently to evade those obligations; or
- (c) that a reasonable person would consider indicates an intention, on the part of the Individual, not to comply with the individual’s obligations in relation to credit.

“supplementary identification information” means the credit information listed in paragraph (b) of the definition of credit information.

Purpose of collection of credit information

- 6. A Credit Bureau shall not collect information unless the information is collected for a lawful purpose connected with the function of the Credit Bureau and that the collection of the information is necessary for that purpose.
- 7. A Credit Bureau shall not collect personal information for the purpose of credit reporting unless it is a Credit Information.
- 8. A Credit Bureau shall not collect prohibited sensitive information.
- 9. A Credit Bureau shall not re-use Credit information for sales or marketing purposes.

Source of credit information

- 10. Credit Bureau shall collect credit information directly from the individual concerned unless the Credit Bureau has reasonable grounds to believe that the credit information -
 - (a) is a publicly available information;
 - (b) the Individual concerned authorises collection of the information from another source;
 - (c) that the collection is from a Debt Collector that is enforcing a debt owed by the Individual concerned;

- (d) that the information is identification information, supplementary identification information, credit default information or serious credit infringement information; or
- (e) that non-compliance is necessary for the enforcement of a law imposing a pecuniary penalty, for the protection of public revenue and for the conduct of proceedings before any court or tribunal that have commenced or are reasonably in contemplation or;

Collection of credit information from individual or legal entity

11. Where a Credit Bureau collects credit information directly from an individual or a legal entity, the credit bureau shall at all times take reasonable steps to ensure that the individual or legal entity concerned is aware of -
 - (a) the fact that the information is being collected;
 - (b) the purposes for which the information is being collected;
 - (c) the intended recipients of the information;
 - (d) the name and address of the agency who will be collecting and holding the information;
 - (e) whether the supply of the information is either voluntary or mandatory and, if mandatory, the particular law, if any, under which it is required;
 - (f) the consequences, if any, for that Individual if all or part of the requested information is not provided; and
 - (g) the rights of access to, and correction of, credit information held by Credit Bureau.
12. Credit Bureau shall conspicuously display in its office and on its website a statement that sets out the purposes for which it collects credit information and the purposes for which the information will be used and disclosed.
13. Credit Bureau shall comply with regulation 12 first before credit information is collected.

Manner of collection of credit information

14. A credit Bureau shall not collect credit information by unlawful means or means that, in the circumstances of the case; are -
- (a) are unfair; or
 - (b) intrude to an unreasonable extent upon the personal affairs of the Individual concerned; and
 - (c) without the written consent of the individual.
15. No written consent is required in respect of legal entities.

Storage and security of credit information

16. Credit Bureau holding credit information shall ensure -
- (a) that the credit information is held in Solomon Islands;
 - (b) that the information is protected, by such security safeguards as it is reasonable in the circumstances to take, against loss, access, use, modification, or disclosure, except with the authority of Credit Bureau, or any other misuse, including misuse by anyone with authorized access; and
 - (c) that, if it is necessary for the credit information to be given to a person in connection with the provision or a service to the Credit Bureau, everything reasonably within the power of the Credit Bureau is done to prevent unauthorised use or unauthorised disclosure of the information.
17. Credit Bureau shall take the following measures to safeguard the credit information it holds against unauthorised access or misuse -
- (a) If that credit information is not hosted in the Solomon Islands, enter into an appropriate arrangement with the hosting agent supported by service level agreements designed to prevent data loss, unauthorised access or misuse;
 - (b) develop written policies and procedures to be followed by its employees, agents and contractors;

- (c) impose access authentication controls such as the use of passwords, credential tokens or other mechanisms;
- (d) provide information and training to ensure compliance with the policies, procedures and controls;
- (e) ensure that credit provider agreement is in place before disclosing information;
- (f) monitor usage and regularly check compliance with the agreement, policies, procedures and controls and the requirements of this Regulation;
- (g) identify and investigate possible breaches of the agreement, policies, procedures and controls;
- (h) take prompt and effective action in respect of any breaches that are identified;
- (i) review regularly the effectiveness of the policies, procedures and controls and address any deficiencies; and
- (j) maintain an access log.

Access to credit information

18. Where Credit Bureau holds credit information and that such information can be easily or readily retrieved, the individual or legal entity concerned is entitled to -
- (a) obtain from Credit Bureau confirmation of whether or not the Credit Bureau holds such information; and
 - (b) have access to that information.
19. Where an individual or legal entity is given access to credit information, the individual or legal entity must be advised that the individual or legal entity may request the correction of that information.

20. Where Credit Bureau refuses the request under regulation 19, the credit bureau shall advise the individual or legal entity of the complaints procedure available.

Correction of credit information

21. Where the Credit Bureau holds credit information, the individual or legal entity concerned is entitled -
- (a) to request correction and or deletion of the credit information; and
 - (b) to request that there be attached to the credit information a statement of the correction sought but not made.
22. Credit Bureau holding credit information shall, if so requested by the individual or legal entity concerned or on its own initiative, take such steps deemed necessary to correct and or delete that information as are, in the circumstances, reasonable to ensure that, having regard to the purposes for which the information may lawfully be used, the information is accurate, up to date, complete, and not misleading.
- (a) Where the credit bureau receives a request for correction and or deletion the credit bureau must pending the taking of a decision on the request, either suppress the disputed information or clearly identify the information as disputed and being checked for accuracy; and
23. Where the Credit Bureau is not willing or refuses to correct and or delete the information in accordance with a request by the individual or legal entity concerned, the credit bureau shall advise the individual or legal entity of the complaints procedures.
24. Shall inform the individual or the legal entity concerned about the complaints management procedures.
25. Credit Bureau shall inform that individual or the legal entity concerned of the action taken or in contemplation of taking, provide the individual or legal entity with a copy of any corrected information and, if it refuses the request, advise the individual or legal entity of the complaints procedure available.

26. Where the Credit Bureau and/or a credit provider refuses to correct and/or delete credit information complained about by an individual or legal entity the individual or legal entity can lodge a complaint with the Compliance Overseer.
27. The Credit Bureau shall, when undertaking a comparison of personal information with other information for the purpose of producing or verifying information about an identifiable individual or legal entity, take such measures as are reasonably practicable to avoid the incorrect matching of the information.
28. The credit bureau shall -
 - (a) monitor information quality and conduct regular checks on compliance with the agreements and controls;
 - (b) identify and investigate possible breaches of the agreements and controls;
 - (c) take prompt and effective action in respect of any breaches that are identified; and
 - (d) systematically review the effectiveness of the agreements and controls and promptly remedy any deficiencies.

Accuracy of credit information

29. The Credit Bureau holding credit information shall not use or disclose that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used or disclosed, the information is accurate, up to date, complete, relevant, and not misleading.
30. The Credit Bureau, when undertaking a comparison of personal information with other information for the purpose of producing or verifying information about an identifiable Individual or legal entity, take such measures as are reasonably practicable to avoid the incorrect matching of the information.

31. The Credit Bureau shall -
- (a) ensure that a Credit Provider Agreement between the Credit Bureau and the Credit Providers are in place before disclosing information;
 - (b) establish and maintain controls to ensure that, as far as reasonably practicable, only information that is accurate, up to date, complete, relevant, and not misleading is used or disclosed;
 - (c) monitor information quality and conduct regular checks on compliance with the agreements and controls;
 - (d) identify and investigate possible breaches of the agreements and controls;
 - (e) take prompt and effective action in respect of any breaches that are identified; and
 - (f) systematically review the effectiveness of the agreements and controls and promptly remedy any deficiencies.

Retention of credit information

32. The Credit Bureau shall keep the following credit information for a period of 7 years or at its discretion for periods longer for purposes for which the information may be lawfully used.
- (a) lost, stolen or compromised identification documents information;
 - (b) credit application information;
 - (c) serious credit infringement information;
 - (d) judgements;
 - (e) bankruptcy information;
 - (f) previous enquiry record; and
 - (g) payments history record.

Limits on use of credit information

33. A Credit Bureau which holds Credit Information which was obtained for a particular purposes shall not be disclosed unless the Credit Bureau believes, on reasonable grounds, that -
- (a) the source of the information is a publicly available publication; and
 - (b) the use of the information for that other purpose is authorised by the Individual concerned.
34. Non-compliance is necessary:
- (i) to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences;
 - (ii) for the enforcement of a law imposing a pecuniary penalty;
 - (iii) for the protection of the public revenue; or
 - (iv) for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation);
35. That the use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to -
- (a) public health or public safety; or
 - (b) the life or health of the Individual concerned or another Individual.
36. That the purpose for which the information is used is directly related to the purpose in connection with which the information was obtained.

37. That the information:
- (a) is used in a form in which the Individual concerned is not identified; or
 - (b) is used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify to identify the Individual concerned.

Limits on disclosure of credit information

38. A Credit Bureau holding Credit Information shall not disclose the information unless the Credit Bureau, on reasonable grounds, that -
- (a) the information consists solely of information sourced from a publicly available publication;
 - (b) the disclosure is to the Individual or Legal Entity concerned.
 - (c) the disclosure of the information is necessary to prevent or lessen a serious and imminent threat to -
 - (i) public health or public safety; or
 - (ii) the life or health of the Individual concerned or another Individual;
 - (d) the disclosure of the information is necessary to facilitate the sale or other disposition of a business as a going concern; or
 - (e) that the disclosure is permitted by law.
39. The Credit Bureau or its Hosting Agent shall keep the Credit Information secure and shall not disclose Credit Information other than to the Credit Bureau.

40. Credit Provider holding Credit Information can disclose the information if it believes on reasonable grounds -
- (a) that the disclosure of the information is to a debt collector for the purpose of enforcement of a debt owed by the individual or legal entity concerned;
 - (b) that the disclosure is authorised by the individual concerned and is made to -
 - (i) a Credit Provider, or that Credit Provider's agent, for the purpose of making a Credit decision affecting that individual (and for directly related purposes including debt collection);
 - (ii) a Prospective Landlord, or that Prospective Landlord's agent, for the purpose of assessing the creditworthiness of that individual as a prospective tenant or as a guarantor of a tenancy;
 - (iii) a Prospective Employer, or that Prospective Employer's agent, for the purpose of a pre-employment check of that Individual for a position involving significant financial risk;
 - (iv) a Prospective Insurer, or that Prospective Insurer's agent, for the purpose of a decision on the underwriting of insurance in respect of a Credit related transaction relating to that Individual;
 - (c) that disclosure is necessary -
 - (i) to avoid prejudice to the maintenance of the law by any public sector agency, including the prevention, detection, investigation, prosecution, and punishment of offences;
 - (ii) to enable an insurer to investigate a case of suspected insurance fraud;
 - (iii) for the enforcement of a law imposing a pecuniary penalty;
 - (iv) for the protection of the public revenue; or

- (v) for the conduct of proceedings before any court or tribunal (being proceedings that have been commenced or are reasonably in contemplation); or
 - (d) that the information -
 - (i) is to be used in a form in which the Individual concerned is not identified; or
 - (ii) is to be used for statistical or research purposes and will not be published in a form that could reasonably be expected to identify the Individual concerned.
41. The Credit Bureau shall not disclose Supplementary Identification Information except by confirming identical information supplied by a Credit Provider.
42. The Credit Bureau available for valuable consideration, in accordance with this rule, Credit Information sourced from a Specified Public Register that has been re-sorted, or combined with other information.
43. The Credit Bureau shall not use the Information in a form that -
- (a) identifies the individual concerned;
 - (b) used for research or statistical purposes; or
 - (c) used and published in a form that could easily identify the individual concerned.

Unique Identifiers

44. Credit Bureau shall assign a unique identifier to an individual if the assignment of that identifier is necessary to enable the Credit Bureau to perform its functions efficiently.
45. Credit Bureau shall take reasonable steps to ensure that unique identifiers are assigned only to Individuals whose identity is clearly established.

Miscellaneous

46. The Credit Bureau shall display all fees and charges for services it renders.
47. The Credit Bureau must designate a person to deal with such complaints.
48. The CBSI shall carry out an onsite examination of the Credit Bureau from time to time to ensure the Credit Bureau is executing its functions in a responsible manner.

Made at Honiara this third day of August, 2016.

Denton Rarawa
Governor Central Bank