

S.I. 10 of 2012

CENTRAL BANK OF SEYCHELLES ACT, 2004

(Act 12 of 2004)

Central Bank of Seychelles (Credit Information System) Regulations, 2012

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S.I 10 of 2012**CENTRAL BANK OF SEYCHELLES ACT, 2004****Central Bank of Seychelles (Credit Information System)
Regulations, 2012**

In exercise of the powers conferred by section 32A and section 50 of the Central Bank of Seychelles Act, 2004, the Central Bank hereby makes the following Regulations —

Citation

1. These Regulations may be cited as the Central Bank of Seychelles (Credit Information System) Regulations, 2012 and shall come into force on 30th March, 2012.

Interpretation

2. In these Regulations —

“applicant” means a person who has applied for credit facilities with a participating institution or who has made a request to the participating institution for his or her credit facility to be increased or whose credit facility falls due for renewal;

“bank” means a bank licensed by the Central Bank under the Financial Institutions Act, 2004;

“Business Continuity Plan” means a collection of documents containing procedures, resources and information that is developed, compiled and maintained in readiness for use in the event of an emergency or disaster;

“business day” means a day on which the Central Bank is open for business;

“Central Bank” means the Central Bank of Seychelles established under the Central Bank of Seychelles Act, 2004;

“credit facility” means loans, overdrafts, or any other facilities, whether fund based or non-fund based, which a participating institution grants or extends to an applicant;

“credit information” means positive and negative information on recipients of credit facilities;

“CIS” means the Credit Information System owned and operated by the Central Bank;

“CIS Network” means the data network existing between the Central Bank and participating institutions for the purposes of furnishing or retrieving information from the CIS;

“CIS Operator” means the division of the Central Bank responsible for operating and maintaining the CIS;

“Master User” means the main person nominated by the participating institution to manage the participating institution's CIS account;

“negative information” means information in relation to non-performing credits and includes suit filed, accounts, bankruptcy, insolvency and compromised settlements;

“non-performing credits” means credit facilities as defined under the Financial Institutions (Credit Classification and Provisioning) Regulations, 2010;

“participating institution” means any bank licensed by the Central Bank and any other credit granting institution supervised in whole or in part by the Central Bank;

“positive information” means information, other than negative information, relating to credit facilities made available by a participating institution to a customer;

“recipients” means recipients of credit facilities.

Application

3. These Regulations shall apply to all participating institutions.

Type of
Information
Collected by
CIS

4. The CIS Operator shall collect credit information on recipients.

Participating
Institutions to
Consult
CIS

5.(1) A participating institution shall make an enquiry from the CIS prior to approving, increasing or renewing any credit facility.

(2) A participating institution shall make bona fide enquiries from the CIS on—

- (a) an applicant for a credit facility where a participating institution has a letter or an application form duly signed by the applicant; and
- (b) a potential guarantor for a credit facility where a participating institution has a letter or an application form from the guarantor attesting that he or she has consented to be the guarantor of the credit facility.

(3) Any participating institution who contravenes subregulation (1) or (2) commits an offence and is liable on conviction to a fine not exceeding SCR10,000.

(4) A participating institution may, in the absence of a duly signed application, make bona fide enquiries from the CIS on its existing customers who have contracted and hold credit facilities.

Submission
and Update
of Credit
Information

6.(1) A participating institution shall update the CIS —

- (a) on the credit information of existing recipients by electronic form through the CIS network or such other media as may be specified by the CIS Operator on a monthly basis;
- (b) on new applications for credit facility on the date the credit facility has been updated on its information system and is ready to be drawn.

(2) A participating institution shall update the CIS of any negative information when the credit facility becomes a non-performing credit.

(3) A participating institution shall furnish the CIS accurate information which shall be in accordance with the agreed format.

(4) Any participating institution contravening subregulations (1), (2) or (3) commits an offence and is liable on conviction to a fine not exceeding SCR10,000.

(5) (a) Any update of month end information to the CIS shall be made by or before the 15th day of the following month and any default to update by the participating institution shall be liable to a penalty of SCR500 for each day such default continues, and the penalty shall be a debt to the Central Bank;

(b) The Central Bank may, for good cause, waive all or any part of the penalty imposed under subsection (5).

7. A participating institution shall use the following identifier code to uniquely identify recipients —

Identifier
Code

- (a) citizens of Seychelles - the National Identity Number;
- (b) non-citizens of Seychelles - the passport number of the non citizen;
- (c) domestic company, foreign company, co-operative or association - the registration numbers under which a domestic company, foreign company, co-operative or association is registered with the Registrar of Companies or the Regulatory Authority.
- (d) in all other cases, a common identifier code shall be issued by the CIS Operator to the participating institution.

Retention
Period of
Data

8.(1) The CIS shall retain data for the following periods —

- (a) data relating to positive information shall be removed from the system one month after credit facility has been repaid;
- (b) data relating to negative information shall be removed from the system two years as from the date negative credit has been regularised;

(2) Data removed from the database shall be available to participating institutions from the electronic archives for a period of seven years from the date of removal.

Operating

9.(1) The CIS may be consulted on a 24 hour basis except in the case of force majeure or unavailability of the service.

(2) The CIS Operator shall be available from 8.00 a.m. to 4.00 p.m. on a business day.

10.(1) A participating institution shall inform applicants and guarantors that information relating to their liabilities under credit facilities will be provided to the CIS.

Applicant's
and
Guarantor's
Rights

(2) Applicants or guarantors may make enquiries from the CIS through their participating institution on information which has been registered in their name by participating institutions.

(3) Enquiries under subregulation (2) shall be made to the CIS by the participating institution after verification of the identity of the requestor, and the requested information shall be supplied to the applicant or guarantor by the participating institution.

(4) In case of disagreement by the applicant or guarantor as regards the information registered in his or her name in the CIS, the matter shall be referred to the participating institution which supplied the information to the CIS, and the participating institution shall rectify any mistake made in that respect.

11. A participating institution shall appoint a Master User and inform the CIS Operator who shall thereafter grant or revoke access to the CIS or to other users of the participating institution.

Master user -
Security and
System Access

12.(1) Subject to subregulation 2, an access fee of SCR25, shall be charged each time a participating institution accesses a credit profile report from the CIS.

Access Fees

(2) An access fee shall not be charged where the participating institution retrieves information it has provided to the CIS.

(3) The total access fee shall be computed on a monthly basis and be charged at the end of each month to the participating institution.

(4) Notwithstanding subregulations (1) and (3) a participating institution may have unlimited access to the CIS for an annual fee of SCR4,500.

Contingency
and Business
Continuity
Plan

13.(1) Where the CIS is not available in case of force majeure at the primary place of business, the CIS's Business Continuity Plan shall be applicable.

(2) The CIS network shall be designed to meet any disruptions to its components.

(3) Participating institutions shall ensure that there are sufficient safeguards to meet any disruption to their network.

(4) Where the CIS network or the participating institution's network is not available, the participating institutions shall submit the information to the CIS in an agreed file format through a portable media.

Response
Time

14. Where there has been an update of information made to the CIS there shall be an acknowledgement generated electronically by the CIS within one working day to the effect that the information has been updated.

Confidentiality

15.(1) A participating institution shall ensure confidentiality of the information obtained from the CIS, which shall not be disclosed to any other party except the applicant or guarantor when processing a request.

(2) Any participating institution who contravenes subregulation (1) commits an offence and is liable on conviction to a fine not exceeding SCR10,000.

Complaints

16. The Central Bank shall hear complaints from any participating institution.

17. The provisions of these regulations shall come into effect within 90 days from the date of commencement.

Transitional
provision

MADE this 29th day of March, 2012

**CAROLINE ABEL
GOVERNOR
CENTRAL BANK OF SEYCHELLES**
