

## Privacy (Credit Reporting) Code 2014 (Version 2)



- F2018L00925

**No longer in force**

[View Series](#)

## Privacy (Credit Reporting) Code 2014 (Version 2)

### 1 Name of CR code

(1) This CR code is the *Privacy (Credit Reporting) Code 2014 (Version 2)*.

(2) This CR code may also be cited as CR code v2.

### 2 Commencement

This CR code v2 commences on 1 July 2018.

### 3 Authority

This CR code v2 is the CR code that is included on the Codes Register under paragraph 26T(5)(b) of the Privacy Act, thereby being the 'registered CR code' under section 26M of that Act.

### 4 Repeal

The *Privacy (Credit Reporting) Code 2014 (Version 1.2)* (CR code) included on the Codes Register under subsection 26T(5)(b) of the Privacy Act on 24 April 2014 (Federal Register of Legislation No. F2014L00459) is repealed upon the commencement of CR code v2.

### 5 Overview

This CR code is a written code of practice about credit reporting under s 26N(1) of the Privacy Act as amended by the *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (the reform Act). The CR code is an important part of the regulatory framework for the comprehensive credit reporting system in Australia introduced by the reform Act. That system is intended to increase the efficiency of Australia's consumer credit market. However, more comprehensive reporting necessitates improved privacy protections. This CR code adds to aspects of the credit reporting obligations imposed by Part IIIA of the Privacy Act and the Privacy Regulation 2013. This CR code does not encompass all aspects of Part IIIA and so compliance with this CR code alone will not achieve full compliance with Part IIIA.

### 6 Reading the table

(1) The white rows in the table that follows are the mandatory CR code provisions. The blue rows in the table constitute a high level summary of the provisions of Part IIIA of the Privacy Act that provide the context for the CR code obligations. Whilst the summary is intended to assist readers and serve to link the CR code obligations to the Privacy Act provisions, the summary should not be relied upon as a comprehensive statement of those provisions.

(2) Terms in bold are defined in the Privacy Act or in this CR code (for ease of reading the often-used defined terms CRB, CP and individual are not bolded).

(3) The terms "Explanatory Memorandum" or "Ex Mem" mean the Explanatory Memorandum to the Privacy Amendment (Enhancing Privacy Protection)

Bill 2012.

(4) The term “pre-reform code” means the repealed Credit Reporting Code of Conduct (Federal Register of Legislation F2009B00170) which was in force until 12 March 2014.

## 7. Referencing

The numbering in the table below, after ‘CONTENTS’, should be referred to as ‘paragraph 1’, ‘paragraph 1.1’ etc. The provisions above and before ‘CONTENTS’ should be referred to as ‘section 1, subsection 1(1) etc’.

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	Source Notes	CR code
	<i>(Related legislative provisions/Ex Mem references/other sources where particularly applicable)</i>	
Privacy Act	Part IIIA, 1.	Introduction

<b>Provisions</b>	Part IIIB Div 3	The <i>Privacy Act 1988</i> (Privacy Act) sets out information reporting. Among other things, Part IIIA restricts information disclosed to <b>Credit Reporting Bodies</b> (CRBs) to information disclosed by a CRB to <b>Credit Providers</b> (CPs) in the handling of that disclosed information. The <i>Privacy Act</i> further defines CRBs', CPs', and <b>affected information</b> are binding - a breach of the CR code is a breach enforced by the Information Commissioner.
<b>Code Obligations</b>	<p>Sec 26N(2)</p> <p>Explanatory Memorandum p. 208</p> <p>Para 4.4 of the pre-reform code</p>	<p>1.1 This CR code binds all CRBs, CPs and</p> <p>1.2 In this CR code:</p> <p>(a) A term that is used in this CR code has the meaning given to it in the Privacy Act. Words or expressions have corresponding meanings.</p> <p>(b) A reference to a Section is a reference to a Section of the <i>Privacy Act</i>.</p> <p>(c) <b>“Capacity information”</b> means information about an individual is:</p> <p>(i) solely liable for the <b>credit</b></p> <p>(ii) jointly liable for the <b>credit</b></p> <p>(iii) the guarantor in respect of</p> <p>(d) <b>“Credit ID information”</b> comprises:</p> <p>(i) the number allocated by the relevant individual;</p> <p>(ii) any previous number allocated provided to the relevant individual;</p> <p>(iii) where a <b>transfer event</b> has occurred, the previous CP for that <b>consumer</b> (the number to be truncated to the number where the account is a credit</p> <p>(e) <b>“Credit-related personal information, credit reporting information, credit information”</b> as applicable in the</p> <p>(f) An obligation on a CRB to <b>“destroy information”</b> requires the CRB to destroy information. Where it is not possible to destroy related personal information held by the CRB, to put the information ‘beyond use’:</p> <p>(i) irretrievably omits the relevant information and does not utilise for the purposes of information and</p> <p>(ii) is not able to use, and will not use, the information for the purposes of deriving</p> <p>(iii) is not able to disclose, and</p> <p>(iv) surrounds the information with appropriate security; and</p> <p>(v) commits to irretrievably destroying the information as soon as becomes possible.</p> <p>(g) An obligation on a CP to <b>“destroy eligibility information”</b> requires</p>

it irretrievably destroys the information or irretrievably destroy credit-related information, the CP should take steps to put the information ‘beyond use’ if the CP:

- (i) is not able to use, and will not take steps to put the information beyond use for the purpose of deriving information;
  - (ii) is not able to disclose, and will not take steps to put the information beyond use; and
  - (iii) surrounds the information with measures to ensure its security; and
  - (iv) commits to irretrievably destroying the information as soon as it becomes possible.
- (h) A “**hardship request**” means a written notification or request that is regulated or not regulated, but does not include a once-off, short-term request that is not regulated.
- (i) “**Month**” is a period:
- (i) starting at the start of any day;
  - (ii) ending on any of the following:
    - 1) immediately before the start of any calendar month; or
    - 2) where the day before the start of any calendar month is a non-business day, the day following that day; or
    - 3) if there is no such day, the day following that day.
- (j) A “**Section 21D(3) notice**” is a written notification pursuant to Section 21D(3) of the CRB Act that discloses default information to a CRB.
- (k) A “**Section 6Q notice**” is a written notification pursuant to the definition of **default information** of the overdue payment amount of the overdue payment.
- (l) A “**transfer event**” is an event that results in the repayment of an amount of **consumer credit**.

<b>Privacy Act Part IIIA Provisions</b>	Sec 20N(3) 2. and 20Q(2)	<b>Credit reporting system arrangements</b> Part IIIA requires CRBs to enter into written contracts with CRBs to disclose <b>credit information</b> that they disclose to CRBs. <b>credit reporting information</b> provided by CRBs.
<b>Code Obligations</b>	Para 4.1 of the pre-reform code	<p>2.1 An agreement entered into by a CRB pursuant to Section 20N(3) and Section 20Q(2) of the CRB Act (in the extent applicable from time to time, the Regulations) and the CR Code.</p> <p>2.2 CRBs, CPs, <b>mortgage insurers</b> and <b>credit reporting agencies</b> must:</p> <ul style="list-style-type: none"> <li>(a) to inform employees, who handle <b>eligibility information</b>, of the requirements of this CR code that relate to information;</li> <li>(b) to train employees, who handle <b>eligibility information</b>, in the procedures designed to achieve compliance with the CR code.</li> </ul>
<b>Privacy Act Part IIIA Provisions</b>	Sec 20B, Sec 21B, Sec 22A 3.	<b>Open and transparent management of credit-related personal information</b> Part IIIA obliges each CRB, CP and <b>affected credit reporting agency</b> to manage <b>credit-related personal information</b> in an open and transparent manner.

		<p><b>collect</b>, how they <b>collect</b> and hold that information, and to whom the information is disclosed. This policy must be updated. CPs must take reasonable steps to implement practice and ensure that they meet their credit reporting obligations under Part I.</p>
<p><b>Code</b> <b>Obligations</b></p>	<p>Sec 20B(5) &amp; (6)</p> <p>Ex Mem p.131</p> <p>Para 1.6 of the pre-reform code.</p>	<p>3.1 A CRB must publish on its website <b>reporting information</b> that is required by the CR code to be disclosed.</p>
<p><b>Privacy Act</b> <b>Part IIIA</b> <b>Provisions</b></p>	<p>Sec 21C</p> <p><b>4.</b></p>	<p><b>Information collection procedures</b></p> <p>Where a CP <b>collects personal information</b> that is required by Part IIIA to notify or ensure the individual is made aware of:</p> <p>(a) the CRBs with which the CP deals;</p> <p>(b) other matters required by the CR code to be disclosed.</p> <p>This must occur at or before the time a CP <b>collects personal information</b>.</p>
<p><b>Code</b> <b>Obligations</b></p>	<p>Sec 21C, Explanatory Memorandum p.160</p>	<p>4.1 At or before the time a CP <b>collects personal information</b> that the CP is likely to disclose to a credit reporting body, the individual is made aware of the following matters:</p> <p>(a) the CRB may include the information in the CRB's database to assess the individual's credit worthiness;</p> <p>(b) that if the individual fails to meet their obligations to a CRB, <b>consumer credit</b> or commits a serious breach of a contract, the CRB is entitled to disclose this to the CRB;</p> <p>(c) how the individual may obtain the CRB's privacy policy about the management of <b>credit-related personal information</b> and the CRB's policy required by Section 20B;</p> <p>(d) the individual's rights to access the information and to request correction to correct the information and to request deletion;</p> <p>(e) the individual's right to request <b>credit-related personal information</b> for the purposes of providing a credit report;</p> <p>(f) the individual's right to request <b>reporting information</b> about the individual's credit history on reasonable grounds that the individual has been a victim of fraud.</p> <p>4.2 A CP may comply with the obligation to notify or ensure an individual is made aware of (notifiable matters) by:</p> <p>(a) publishing a clearly expressed statement on the CP's website; and</p> <p>(b) at or before the time of collection of the information from the individual, notifying the individual of the following:</p> <p>(i) that the CP's website includes details of the CRBs to which the CP discloses <b>credit information</b>; and</p> <p>(ii) a brief description of the kinds of matters that are <b>notifiable matters</b>; and</p> <p>(c) providing details of the CP's website where the details are prominently displayed on the website;</p> <p>(d) making it clear to the individual that the CP is required to disclose</p>
	<p>Sec 21C, Explanatory Memorandum p.160</p>	

(d) making it clear to the individual that the information is **notifiable matters** (available on such as a hard copy.

Privacy Act Part IIIA Provisions	Sec 6N	5.	<p><b>Practices, procedures and systems</b></p> <p>Part IIIA permits CRBs, subject to conditions, <b>information</b>:</p> <ul style="list-style-type: none"><li>(a) <b>identification information</b> about the individual;</li><li>(b) <b>consumer credit liability information</b> about the individual;</li><li>(c) <b>repayment history information</b> about the individual;</li><li>(d) a statement that an <b>information</b> about the individual by a CP, <b>mortgage insurance</b> information about the individual;</li><li>(e) the type of <b>consumer credit</b> or <b>consumer credit liability</b> sought in an application to a CP and the <b>information request</b>;</li><li>(f) <b>default information</b> in relation to the individual;</li><li>(g) <b>payment information</b> about the individual;</li><li>(h) <b>new arrangement information</b> about the individual;</li><li>(i) <b>court proceedings information</b> about the individual;</li><li>(j) <b>personal insolvency information</b> about the individual;</li><li>(k) publicly available information as to some exceptions); or</li><li>(l) the CP's opinion that the individual has committed a <b>infringement</b> in relation to <b>consumer credit</b> or <b>consumer credit liability</b> information about the individual.</li></ul>
Code Obligations		5.1	<ul style="list-style-type: none"><li>(a) A CRB must not:<ul style="list-style-type: none"><li>(i) <b>collect personal information</b> about the individual to <b>consumer credit</b> that is not <b>information</b>;</li><li>(ii) use <b>personal information</b> about the individual to <b>consumer credit</b> that is not <b>information</b>;</li><li>(iii) disclose <b>personal information</b> about the individual to <b>consumer credit</b> that is not <b>information</b>;</li></ul>unless the information is either <b>information</b> and is collected or <b>information</b> or <b>credit reporting information</b>;</li><li>(b) A CP must not:<ul style="list-style-type: none"><li>(i) disclose to a CRB or another person <b>information</b> about an individual's activities:<ul style="list-style-type: none"><li>1) was disclosed to the CP by a <b>information</b>; or</li><li>2) was derived (wholly or partly) from the individual's activities in relation to <b>information</b> disclosed to the CP by a <b>information</b>;</li></ul>unless that information is either <b>information</b> and is disclosed or <b>credit reporting information</b>;</li></ul>In this paragraph, the <b>second</b> provider due to the operation of the <b>information</b>;</li></ul> <p>(c) Subparagraphs (a) and (b) do not apply to a CRB that is a <b>information</b> provider.</p>

- (c) subparagraphs (a) and (b) do not apply;
- (i) the **personal information**
  - 1) that a CRB lawfully holds at the commencement of this Part of the Privacy Act prior to that time;
  - 2) that a CP holds and that was collected from a CRB until immediately prior to the time of the breach;
- (ii) the **personal information** is overdue in relation to **consumers** if the payment is less than \$150, and
- (iii) the relevant use or disclosure is after the expiry of the relevant retention period;
- (iv) the **personal information** is not of an individual prior to the commencement of the Act and the individual has not subsequently become an individual;
- (d) **Personal information** to which the obligation applies in accordance with the obligation in section 20N as if it were **credit information**.

5.2 CRBs and CPs must not agree or in any way vary the numbering conventions for **consumers**.

5.3 A CP must have reasonable practices in place, having regard to the size and complexity of its business, that comply with Part IIIA, the Regulations and the CR code.

- (a) ensure that it does not disclose **credit information** in Part IIIA, the Regulations or this CR code;
- (b) as soon as practicable, advise the CRB if it has disclosed information to the CRB in Part IIIA, the Regulations or this CR code;
- (c) ensure that it only discloses **credit information** that is accurate, up-to-date, complete and relevant;
- (d) if it identifies that **credit information** is not accurate, up-to-date and complete:
  - (i) as soon as practicable advise the CRB;
  - (ii) take reasonable steps to ensure that the **credit information** is accurate, up-to-date and complete;
- (e) as soon as practicable advise the CRB of **credit reporting information** that is not accurate, up-to-date, complete and relevant, having regard to the purposes for which it is collected;
- (f) where requested by a CRB:
  - (i) take reasonable steps to ensure that **credit reporting information** is accurate, up-to-date and complete; and
  - (ii) take reasonable steps to ensure that the **credit reporting information** is accurate, up-to-date and complete; and
  - (iii) advise the CRB of the results of the steps taken to ensure that the **credit reporting information** is accurate, up-to-date and complete; and
- (g) otherwise, take reasonable steps to ensure that the **credit reporting information** is accurate, up-to-date and complete, having regard to the purposes for which it is collected, and in particular enable the CRB to:

5.4 A CRB must have reasonable practices in place, designed to cover the obligations under this Part, and in particular enable the CRB to:

Section 20N  
Para 2.4, 2.5  
and 2.6 of the  
pre-reform  
code

Sec 20N  
Para 1.3 and

	1.4 of the pre-reform code	<p>and in particular enable the CRB to:</p> <ul style="list-style-type: none"> <li>(a) use the information disclosed by identify any information disclosed <ul style="list-style-type: none"> <li>(i) relates to an act, omission before the relevant individual</li> <li>(ii) that is prohibited by Part I disclosed by the CP to the C</li> </ul> </li> <li>(b) as soon as practicable identify w information that the CRB is prohib code from <b>collecting</b> and, if so, t</li> <li>(c) as soon as practicable, notify th information on the basis that Part the CRB from <b>collecting</b> that info</li> <li>(d) undertake regular testing of the <b>information</b> that the CRB uses a date, complete and relevant, havi disclosed;</li> <li>(e) take reasonable steps to initiate <b>credit reporting information</b>, v <b>credit reporting information</b> in date, complete and relevant, havi disclosed;</li> <li>(f) rectify the situation where the C <b>information</b> in relation to an indi and relevant, having regard to the disclosed, including by destroying obligations in Part IIIA, the Regula</li> <li>(g) where the CRB identifies <b>credit</b> and complete, raise this, where re information and request the CP to <ul style="list-style-type: none"> <li>(i) take reasonable steps to r practices, procedures and s</li> <li>(ii) rectify any issues that are</li> <li>(iii) advise the CRB of the resu</li> </ul> </li> <li>(h) report about its testing, underta material findings or material chan agreement of the kind referred to</li> </ul>
Privacy Act Part IIIA Provisions	Sec 6(1) 6.	<p><b>Consumer credit liability informati</b></p> <p>The information that Part IIIA permits CRBs, s</p> <p><b>consumer credit liability information</b> - th</p> <ul style="list-style-type: none"> <li>(a) the name of the CP;</li> <li>(b) whether the CP is a <b>licensee</b>;</li> <li>(c) the type of <b>consumer credit</b>;</li> <li>(d) the day the <b>consumer credit</b> is</li> <li>(e) the terms or conditions of the <b>cc</b> amount of the <b>credit</b> that are pre</li> <li>(f) the maximum amount of availak</li> <li>(g) the day on which the <b>consumer</b> in force.</li> </ul>
Code Obligations	Explanatory Memorandum p.103	6.1 CRBs must develop and maintain i the types of <b>consumer credit</b> so th disclosing to CRBs information about



provided to individuals.

- 6.2 For the purposes of Part IIIA, the R
- (a) “the day the **consumer credit** terms and conditions of the **consu** the individual;
  - (b) “the maximum amount of **credi**
    - (i) where no credit limit appli or the sale of goods or supp fixed limit;
    - (ii) in the case of revolving **cr** applies at the time the **con** disclosed to a CRB;
    - (iii) in the case of **credit** where fixed date and, until that tir made - the principal amount
    - (iv) in the case of **credit** where made throughout the term principal amount of the **cre** makes the minimum only p **credit**;
    - (v) for **consumer credit liab** including 30 June 2019:
      - (i) in the case of **credi** particular goods or se
      - (ii) in the case of **cred** where the contract sp limit – that amount;
  - (c) for **consumer credit liability i** June 2019, “the day credit is term
    - (i) the day that the **credit** co terminated; or
    - (ii) if earlier, the day that the under the terms of the cont has irrevocably determined terms.
  - (d) for **consumer credit liability i** day credit is terminated or otherv
    - (i) the day that the debt owe ability to defer payment of
    - (ii) the earlier of:
      - 1) the day that either the agree that all outstanding **credit** have been waive undertake further enfor debt owed by the indivi
      - 2) the day that the CP ch deciding that the outsta that the amount may no the legal ability to take outstanding debt owed
  - (e) Where a disclosure occurs for th longer able to incur further debt ( other charges in respect to the de
- 6.3 Where a CP chooses to disclose to

		<p><b>information</b> in relation to <b>consumer credit</b> the CP must either:</p> <p>(a) in a single disclosure, disclose all paragraphs (a) to (f) of the definition of <b>credit</b> in relation to that <b>credit</b>, other than paragraphs (c) to (f) of that definition that are not available; or</p> <p>(b) in a single disclosure, disclose the <b>consumer credit liability information</b> entered into (paragraph (d) of the definition of <b>credit</b> (other than paragraphs (c) to (f) of that definition) thereby disclosing the <b>credit</b> to the individual.</p> <p>6.4 Where a CP chooses to disclose to the CRB <b>information</b> in relation to <b>consumer credit</b> must, once that <b>credit</b> is terminated, disclose this to the CRB within 45 days of the termination.</p>
Privacy Act Part IIIA Provisions	Section 6N(7).	<p><b>Information requests</b></p> <p>The information that Part IIIA permits CRBs, s requests. Where a CP makes an <b>information request</b> for <b>consumer credit</b> or <b>commercial credit</b> an application to the CP to which the CP's <b>information</b></p>
	Paragraph 2.1 of the pre-reform code	<p>7.1 Where a CP makes an <b>information request</b> application for <b>consumer credit</b> and is incapable of being specified, the <b>credit</b> to be disclosed may include that an unspecified <b>credit</b> sought from the CP.</p>
Privacy Act Part IIIA Provisions	Sec 6V 8.	<p><b>Repayment history information</b></p> <p>The information that Part IIIA permits CRBs, s <b>repayment history information</b>. A CP is only permitted to request <b>repayment history information</b> from a CRB if the CP is a <b>licensee</b> or is prescribed by the CRB. <b>Repayment history information</b> is information that:</p> <p>(a) whether or not an individual has a <b>repayment history information</b> that is due and payable in relation to the <b>credit</b></p> <p>(b) the day the monthly payment is due</p> <p>(c) if late payment is made – the day the late payment is made</p>
Code Obligations	Explanatory Memorandum p.130	<p>8.1 For the purposes of this paragraph <b>repayment history information</b> in Section 6V of the Privacy Act means:</p> <p>(a) <b>consumer credit</b> is overdue if, in relation to the <b>repayment history information</b> payment in relation to which the <b>credit</b> is overdue</p> <p>(b) the grace period allowed by the CRB, beginning on the date that the <b>credit</b> is being in arrears.</p> <p>8.2 Where a CP discloses <b>repayment history information</b> provided to an individual, the CP must:</p> <p>(a) it does not disclose <b>repayment history information</b> more frequently than once each <b>month</b></p> <p>(b) for each <b>month</b>, as defined in paragraph 8.1, disclose the <b>repayment history information</b> in relation to the <b>credit</b> to which the <b>repayment history information</b> relates, whichever of the following is applicable:</p>
	Explanatory Memorandum p.129-130	

- whichever of the following is applicable:
- (i) that the **consumer credit**
  - (ii) that there was an amount for that **month**; and
- (c) after any payments made during disclosure is expressed as a code
- (i) where the **consumer credit** including the grace period”,
  - (ii) where there is an amount over the age of the oldest outstanding
    - 1) 15 – 29 days overdue as this allows for expiry
    - 2) 30 – 59 days overdue
    - 3) 60 – 89 days overdue
    - 4) 90 – 119 days overdue
    - 5) 120 – 149 days overdue
    - 6) 150 – 179 days overdue
    - 7) 180 + days overdue.

Privacy Act Part IIIA Provisions	Sec 6Q 9.	<b>Default information</b>  The information that Part IIIA permits CRBs, s <b>default information</b> . Preconditions to the <b>consumer credit</b> payment must be overdue less than \$150 (or if a higher amount is pres must have met the notice obligations specific
Code Obligations	Sec 6Q, Sec 21D(3) Explanatory Memorandum p.126, 162, Para 2.7 of the pre-reform code	<p>9.1 A CP must not disclose an overdue CRB as <b>default information</b>:</p> <ul style="list-style-type: none"> <li>(a) if the individual has made a <b>har</b> terms and conditions of the <b>consi</b></li> <li>(b) either:           <ul style="list-style-type: none"> <li>(i) the CP is in the process of including if the CP is waiting purposes of making that de</li> <li>(ii) if the CP decides to refuse least 14 days after the CP h</li> </ul> </li> </ul> <p>9.2 Paragraph 9.1 does not apply if:</p> <ul style="list-style-type: none"> <li>(a) the <b>hardship request</b> is made materially the same as the basis c made; and</li> <li>(b) the previous <b>hardship request</b></li> </ul> <p>9.3 The following requirements must b about an individual to a CRB:</p> <ul style="list-style-type: none"> <li>(a) the CP must give the <b>Section 6</b> separately;</li> <li>(b) the CP must give the Section 6Q</li> <li>(c) the CP must not give the <b>Section</b> the giving of the <b>Section 6Q not</b></li> <li>(d) the CP must give the <b>Section 6</b> sending them to the individual’s l <b>Section 6Q notice</b> and <b>Section</b> communication.</li> </ul>

Note: (1) Electronic comm  
*Electronic Transactions Act 1*

(2) Section 88 of the *National*  
*Credit Protection Act 2009*

- (e) the amount that is disclosed by ...  
overdue:
  - (i) must not be more than the  
**notice**,
    - 1) plus an additional amount  
that are owing as a result  
acceleration of the entire  
have accrued by the time
    - 2) less any part payment  
disclosure by the CP to
  - (ii) all components of that amount  
amounts mentioned in sub-  
least 60 days.
- (f) the **default information** must
  - (i) at least 14 days after the  
given by the CP to the indiv
  - (ii) no later than 3 **months** af
- (g) the CP must meet the other requ  
are set out in Part IIIA, the Regula

9.4 Where a CP discloses **default info**  
CRB:

- (a) the amount specified as overdue  
payment that was previously disc  
that **consumer credit**;
- (b) the amount specified as overdue  
accrual of interest, fees and other  
overdue payment, other than the  
**consumer credit**;
- (c) where the amount of an overdue  
the entire liability for the **consum**  
disclosed as **default information**  
previously disclosed **default info**
- (d) where the CRB is requested und  
**information**, the CRB must **dest**
- (e) where the amount originally disc  
the original date of disclosure of c  
which the relevant retention perio

Privacy Act  
Part IIIA  
Provisions

Section 6T 10.

**Payment information**

The information that Part IIIA permits CRBs, s  
**payment information** - this is a statement  
that has previously been disclosed by the CP

Code  
Obligations

Explanatory  
Memorandum  
p.128

10.1 For the purposes of the definition of  
Privacy Act, the amount of the overc  
taken to be paid when:

- (a) payment is received in cleared f  
payment, including all interest, fe  
amount specified as overdue in th
- (b) payment is received in cleared f  
payment and the CP accepts this

		<p>payment;</p> <p>(c) the CP waives the overdue payment;</p> <p>(d) the CP agrees to terminate the contract, in which the overdue payment relates to;</p> <p>10.2 Where a CP has an obligation under the Code to disclose to a CRB <b>payment</b> information, and an individual asks the CP to disclose this information, the CP must take the reasonable steps to disclose the <b>payment</b> information at the later of:</p> <p>(a) the individual's request; and</p> <p>(b) the date when the overdue payment was made, in paragraph 10.1, unless the CP has reasonable grounds to believe that:</p> <p>10.3 If:</p> <p>(a) a CP disclosed <b>default information</b> to a CRB, the date of commencement of this CRB information;</p> <p>(b) after that date, the amount of the overdue payment relates is paid;</p> <p>the CP must, within a reasonable period, disclose the <b>payment information</b> about the amount to the CRB.</p>
<b>Privacy Act Part IIIA Provisions</b>	Section 6N(k)	<p><b>11. Publicly available information</b></p> <p>The information that Part IIIA permits CRBs, s. 6N(k) to disclose is publicly available information (an undefined term) that is in the public domain, credit worthiness and meets other requirements.</p> <p>11.1 A CRB must only <b>collect</b> publicly available information:</p> <p>(a) from an <b>agency</b> or a <b>state or territory</b>; or</p> <p>(b) if the content of the information is in the public domain, whether or not a fee must be paid to obtain it; and</p> <p>(c) if the other requirements of Section 6N(k) are met.</p>
<b>Privacy Act Part IIIA Provisions</b>	Sec 6(1) definition of "serious credit infringement"	<p><b>12. Serious credit infringements</b></p> <p>The information that Part IIIA permits CRBs, s. 6(1) to disclose is <b>serious credit infringements</b> – this is defined as:</p> <p>(a) an act by an individual that involves or attempting to do this;</p> <p>(b) an act by an individual that involves or attempting to do this in relation to <b>consumer credit</b> obligations in relation to <b>consumer credit</b> obligations;</p> <p>(c) an act by an individual if:</p> <p>(i) a reasonable person would not expect an individual to no longer comply with the <b>consumer credit</b> obligations to <b>consumer credit</b> providers;</p> <p>(ii) the CP has taken reasonable steps to prevent the act; and</p> <p>(iii) at least 6 months have passed since the act by the individual.</p>
<b>Code Obligations</b>	Explanatory Memorandum p.116-117	<p>12.1</p> <p>(a) Where a CP discloses to a CRB information that a CP has committed a <b>serious credit infringement</b> in relation to the Section 6(1) definition of that term, the CP must establish that:</p> <p>(i) when obtaining or attempting to obtain the information, the CP</p>

			<p>made, or arranged for someone to do, or knowingly allowed to be made, or arranged for someone to do, or knowingly allowed to be made, to the CP or knowingly allowed to be made, or arranged for someone to do, or knowingly allowed to be made, statement or premise; and</p> <p>(ii) the individual did this knowingly and, with intent to deceive the individual, the premise was likely to materially affect the individual's ability to not to provide <b>credit</b> to the individual;</p> <p>(b) Where a CP discloses to a CRB that the individual has committed a <b>serious credit infringement</b> under the Section 6(1) definition of that term, the CP must:</p> <p>(i) the individual made, or arranged for someone to do, or knowingly allowed to be made, to the CP or knowingly allowed to be made, a false statement to the CP or a materially false statement or</p> <p>(ii) the individual did this knowingly and with intent to evade the individual's <b>consumer credit</b> by deceiving the individual;</p> <p>(c) Before disclosing to a CRB that the individual has committed a <b>serious credit infringement</b> under the Section 6(1) definition of that term, the CP must make a payment to which the <b>serious credit infringement</b> <b>default information</b>. In order to make the payment, the CP must first be taken to contact the individual:</p> <p>(i) the CP must attempt to make contact with the individual by phone, email and mail;</p> <p>(ii) if these contact attempts are no longer current, the CP must make contact details and, where necessary, previous contact attempts using the individual's</p> <p>(iii) in phone messages (where necessary, with a service or with an adult) and provide its contact details a matter of urgency;</p> <p>(iv) in mailed letters, the CP must:</p> <ol style="list-style-type: none"> <li>1) give particulars of the individual's</li> <li>2) state that if a period of 6 months has elapsed since the individual about the default information, the CP must disclose the individual as a <b>serious credit infringement</b> to the CRB as a <b>serious credit infringement</b>;</li> </ol> <p>(v) the CP must retain such evidence as is reasonable in the circumstances;</p> <p>(vi) if the individual makes contact with the CP, the CP must:</p> <ol style="list-style-type: none"> <li>1) the date of the <b>Section 6(1) definition of that term</b>;</li> <li>2) if more recent – the date of the <b>Section 6(1) definition of that term</b>;</li> </ol> <p>the 6 <b>months</b> period referred to in the <b>Section 6(1) definition of that term</b> is the <b>serious credit infringement</b> period.</p> <p>12.2 If a CP discloses <b>payment information</b> relating to the <b>serious credit infringement</b> amount that is the subject of a <b>serious credit infringement</b> paragraph(c) of the Section 6(1) definition of that term, the CP must disclose information relating to the <b>serious credit infringement</b> to the CRB as a <b>serious credit infringement</b>.</p>
Privacy Act Part IIIA Provisions	Sect 6K	13.	<p><b>Transfer of rights of credit providers</b></p> <p>The Privacy Act recognises that the repayment of a loan is transferred and treats the <b>acquirer</b> as a CP.</p>
Code Obligations		13.1	<p>If:</p>

- (a) an **acquirer** acquires the rights amount of **consumer credit**;
  - (b) the **original CP** notifies the indi provided of the **transfer event**;
  - (c) prior to the **transfer event**, the **credit liability information** or **credit**,
- both the **original CP** and the **acquire** CRB of:
- (d) the **transfer event** within 45 da **acquirer**; and
  - (e) any information that is thereafte Regulations or this CR code (and f the **acquirer** is taken to have ma relation to that **credit** that were r

Privacy Act Part IIIA Provisions	Sec 20F and 21G	14. Permitted CRB disclosures
Code Obligations	Paras 1.5, 2.2 and 2.15 of the pre-reform code	<p>Part IIIA permits a CRB to disclose <b>credit rep</b> <b>trade insurers</b> - but only for certain permitt</p> <p>14.1 Where, in response to a request:</p> <ul style="list-style-type: none"> <li>(a) a CRB discloses <b>credit reportin</b> <b>trade insurer</b>; or</li> <li>(b) a CP discloses <b>credit eligibility</b> <b>permitted CP disclosure</b> may b</li> </ul> <p>the CRB, CP, <b>mortgage insurer</b> or tra becomes aware that the <b>credit repor</b> <b>information</b> was about an individual c the request:</p> <ul style="list-style-type: none"> <li>(c) in the case of a recipient of the <ul style="list-style-type: none"> <li>(i) advise the disclosing CRB identity (unless it was the d and</li> <li>(ii) <b>destroy</b> the disclosed info</li> <li>(iii) take reasonable steps to e based on the disclosed info of assessing the <b>credit wo</b> information relates; and</li> </ul> </li> <li>(d) in the case of a CRB or CP that c <ul style="list-style-type: none"> <li>(i) advise the recipient of the (unless it was the recipient and</li> <li>(ii) take reasonable steps to r systems so that similar mis</li> </ul> </li> </ul> <p>14.2 Before a CRB discloses <b>credit rep</b> <b>insurer</b> or <b>trade insurer</b>, the CRB i that the CP, <b>mortgage insurer</b> or t requirements of the Privacy Act, the limitations on use and disclosure of c</p>
Privacy Act Part IIIA Provisions	Section 20Q	15. Security of credit reporting informa
		Part IIIA requires CRBs to take reasonable ste <b>information</b> . CRBs must enter into agreem <b>reporting information</b> from misuse, interfere

		or disclosure.
<b>Code</b> <b>Obligations</b>	Explanatory Memorandum p.146-7	15.1 CRBs and CPs must maintain reasonable security measures to ensure the security of electronic transactions containing <b>information</b> and <b>credit eligibility information</b> .
<b>Privacy Act Part IIIA Provisions</b>	Div 3, Subdivision D	<b>16. Use and disclosure of credit-related affected information recipients</b>  Part IIIA places restrictions and conditions on the use and disclosure of <b>credit eligibility information</b> .
		16.1 (a) Despite anything in this CR Code or an <b>affected information recipient's privacy policy</b> , a CRB may disclose <b>credit eligibility information</b> or regulated information if: (i) assessing the likelihood that the individual to whom the information relates may accept: 1) an invitation to apply for credit; or A. credit; or B. insurance in relation to the credit; <b>credit</b> ; or 2) an invitation to apply for an amount of or terms on which credit is provided; A. credit is provided; B. insurance in relation to the credit is provided; (ii) targeting or inviting an individual to receive: 1) credit; or 2) insurance in relation to the credit; 3) variation of the amount of or terms on which credit is provided; A. credit is provided; B. insurance in relation to the credit is provided; (iii) direct marketing. (b) A CP or <b>affected information recipient</b> may disclose <b>credit</b> or insurance in relation to the credit if not prevented by paragraph (a) from doing so: (i) using <b>credit eligibility information</b> for the purposes of assessing the ability of an individual to obtain credit; (ii) in assessing the applicability of a different product where the individual has indicated interest in such a product; (c) A CP or <b>affected information recipient</b> may disclose <b>credit eligibility information</b> for the purposes of excluding an individual from communication on the basis that it is not in relation to <b>credit</b> into which the individual has indicated interest.
	Sec 21H Item 5, Explanatory Memorandum p.104-5	16.2 A CRB must only disclose <b>credit related information</b> for the purposes of enabling the CP to assist the individual with obligations in relation to <b>consumer credit</b> where either: (a) the CP confirms to the CRB that the individual may be bound by those obligations; or (b) the CRB is aware that an event listed in section 16.1(1)(b) has occurred.



			an event of the kind that the CP has reasonably indicate that the individual is in relation to those obligations.
<b>Code Obligations</b>	Sec 21P, Explanatory Memorandum p.173-5	16.3	<p>Where a CP obtains <b>credit report</b> CRB and, within 90 days of obtaining <b>credit</b> application made by the individual applicants, the CP must provide a written notice that:</p> <ul style="list-style-type: none"> <li>(a) meets the requirements of Section 21P(2);</li> <li>(b) explains the individual's right to request a CRB without charge during the 90 day period and how to request the relevant CRB;</li> <li>(c) is to the effect that it is important to ensure the accuracy of the <b>credit report</b> information;</li> <li>(d) states that the CP relies upon information in deciding whether to refuse <b>consumer credit</b> to the individual to the CP and <b>credit</b> by CRBs;</li> <li>(e) provides information about factors for refusing <b>credit</b>: these may include <ul style="list-style-type: none"> <li>(i) the adequacy of the applicant's income to meet repayments of <b>credit</b>;</li> <li>(ii) the extent of the applicant's existing <b>credit</b>;</li> <li>(iii) the security of the applicant's income;</li> <li>(iv) the applicant's <b>credit</b> history and any <b>serious credit infringements</b> or unsatisfactory repayment history;</li> </ul> </li> <li>(f) refers to the CP's <b>credit eligibility</b> processes and its complaints procedure.</li> </ul> <p>The written notice must be given to the individual on the day of the refusal decision or within 10 business days of the refusal decision.</p>
<b>Privacy Act Part IIIA Provisions</b>	Sec 20K	<b>17.</b>	<b>Protections for victims of fraud</b>
			Where an individual has been a victim of fraud or is likely to be, a victim of fraud and is entitled to request a CRB to commence a ban period. The CRB must use the individual's <b>credit reporting information</b> to make the decision in writing.
<b>Code Obligations</b>	Explanatory Memorandum p.142, 164	17.1	<p>Where an individual believes on reasonable grounds that they or is likely to be, a victim of fraud and is entitled to disclose their <b>credit reporting information</b> to a CRB:</p> <ul style="list-style-type: none"> <li>(a) include on the <b>credit reporting information</b> a notation about the individual's right to request a <b>ban period</b>; and</li> <li>(b) explain to the individual the effect of the <b>ban period</b> that the individual may not be able to obtain <b>credit</b> from the CRB.</li> </ul>
	Explanatory Memorandum p.142, 164	17.2	Where a CRB receives a request from an individual for <b>credit reporting information</b> and the individual is a <b>reporting information a ban period mortgage insurer or trade insurer</b>
	Explanatory Memorandum p.142, 173-4	17.3	Where a CRB has established a <b>ban period</b> information about an individual, the CRB must, within 10 business days before the end of the <b>ban period</b> :
		(a)	of the date the <b>ban period</b> is due to expire;
		(b)	about the individual's rights under the <b>credit reporting information</b> and the <b>ban period</b> .

- extend the **ban period**; and
- (c) what, if any, information the CRB has received from the CP about the alleged fraud.

Privacy Act Part IIIA Provisions	Sec 20G	<p><b>18. Use by a CRB of credit reporting information for direct marketing</b></p> <p>Part IIIA restricts a CRB's use of <b>credit reporting information</b> for direct marketing. It does, however, permit a CRB to use a list of individuals provided by the CP using el</p>
Code Obligations	<p>Sec 20G(3)</p> <p>Sec 20G(5)</p> <p>Sec 20G(5)</p>	<p>18.1 Notwithstanding Section 20E(2), a CRB must not use <b>credit reporting information</b> for direct marketing service for provision to a CP or affected individual for the purposes of assisting them:</p> <ul style="list-style-type: none"> <li>(i) to assess the likelihood that an individual will: <ul style="list-style-type: none"> <li>1) accept an invitation to apply for a <b>mortgage credit</b> or <b>credit</b> in relation to <b>mortgage credit</b> or <b>credit</b>;</li> <li>2) accept an invitation to apply for a <b>mortgage credit</b> or <b>credit</b> on a variable amount of or terms on variable <b>mortgage credit</b> or <b>credit</b>;</li> </ul> </li> <li>(ii) to target or invite an individual to: <ul style="list-style-type: none"> <li>1) accept <b>credit</b> or insurance in relation to <b>credit</b>; or</li> <li>2) accept a variation of the amount or terms of a <b>mortgage credit</b> or <b>credit</b> in relation to <b>mortgage credit</b> or <b>credit</b>;</li> </ul> </li> </ul> <p>(b) provide any such tool or service to a CP or <b>affected information recipient</b>.</p> <p>18.2 A CP must not nominate eligibility criteria for direct marketing in accordance with section 20G, whether by direct marketing communications of the CP or by direct marketing communications of an individual experiencing, or may in the future experience, a financial hardship under their existing <b>credit</b> unless it is a direct marketing communication.</p> <p>18.3 A CRB must give effect, as soon as practicable, to a request to use their <b>credit information</b> for direct marketing if the request is made of the CRB through telephone, mail, email or other means.</p> <p>18.4 Each CRB must keep a confidential record of the request of the kind referred to in paragraph 18.3.</p>
		<p><b>19. Access</b></p> <p>Part IIIA obliges CRBs and CPs to provide access to <b>credit reporting information</b> held about the individual and to the CRB this cannot be longer than 10 days). A CRB must provide access to an individual (whether directly or through an agent) who has made a request preceding 12 months. If a request has been made by an individual who has not imposed a charge but this must not be excessive. A CRB may impose a reasonable charge for providing access to <b>credit reporting information</b>.</p>
Code Obligations	<p>Para 1.10, 2.17 and 2.18 of the pre-reform code</p> <p>The pre-reform code Para 1.7 and 1.8</p>	<p>19.1 Where a person requests a CRB or CP to provide access to <b>credit reporting information</b> or <b>credit information</b> (as applicable) must not provide access if it is not reasonable in the circumstances for the person making the request and that the CRB or CP is not required to provide access to the <b>credit reporting information</b> and the CR code to the individual.</p> <p>19.2 Where an individual (whether person or not) requests a CRB to provide access to <b>credit reporting information</b>, the CRB must not charge a fee for providing access to <b>credit reporting information</b>.</p>

		the individual provides the CRB with previously, a CP refused a <b>consume</b> . This is the case whether or not the C <b>credit reporting information</b> free 12 months.
	Sec 20R, 21T	<p>19.3 If a CRB has a service whereby an another <b>access seeker</b>) may for a f (fee-based service):</p> <ul style="list-style-type: none"> <li>(a) the information made available l prominently state that individuals <b>credit reporting information</b> fr <ul style="list-style-type: none"> <li>(i) if the access request relat <b>consumer credit</b> applicati</li> <li>(ii) if the access request relat <b>credit reporting informa</b> the individual; and</li> <li>(iii) once every 12 <b>months</b> (th accordance with paragraph</li> </ul> </li> <li>(b) the CRB must take reasonable s individuals may obtain their <b>credi</b> available and easy to identify and</li> </ul>
	Sec 20R, Explanatory Memorandum p.178	<p>19.4 Where <b>credit reporting informa</b> charge by a CRB as required by Part</p> <ul style="list-style-type: none"> <li>(a) the CRB must provide the <b>access</b> <ul style="list-style-type: none"> <li>(i) all <b>credit information</b> in databases that the CRB util permitted under Part IIIA; a</li> <li>(ii) all current <b>CRB derived i</b> available;</li> </ul> </li> <li>(b) the CRB must present the inform reasonable explanation and summ <b>seeker</b> to understand the impact <b>worthiness</b>; and</li> <li>(c) if the CRB does not provide the manner requested by the <b>access</b> to provide access in a way that m</li> </ul>
	Sec 21T,  Para 2.21 of the pre-reform code	<p>19.5 A CP:</p> <ul style="list-style-type: none"> <li>(a) must take reasonable steps to p obtain access to <b>credit eligibility</b>;</li> <li>(b) should, unless unusual circumst the request;</li> <li>(c) must present the information cl explanations and summaries of th understand the impact of the info and</li> <li>(d) must advise the individual that, most up-to-date information, they <b>credit reporting information</b> h</li> </ul>
	Explanatory Memorandum p.177	<p>19.6 Where a CRB provides an <b>access</b> : the individual or a CP provides an <b>ac</b> about the individual, this may be do the methodology, data analysis met that is used to produce the derived i</p>
Privacy Act	Sec 20T, 21T	20. Correction of information

**Part IIIA  
Provisions**

Part IIIA provides an individual with correction that **credit-related personal information** misleading, the CRB or CP (as applicable) must resolve the correction request, the CRB or CP

**Code  
Obligations**

Sec 21V,  
Explanatory  
Memorandum  
p.179

20.1 Where:

- (a) a CP, that does not either disclose CRB to disclose **credit reporting** request from an individual in accordance with the CRB or CP (as applicable) must resolve the correction request, the CRB or CP
- (b) the correction request relates to the CP is able to meet the requirement
- (c) consulting with CRBs or CPs to information;
- (d) giving the individual a written notice
  - (i) explaining that it does not participate in the credit reporting; and
  - (ii) informing the individual of the correction request relating to the **resolution scheme** of which the **Commissioner**.
  - (iii) stating that if the individual request the individual may **resolution scheme** of which the **Commissioner**.
- (e) complying with the requirement of the individual's request.

Sec 20T, 21V

20.2 A CRB or CP consulted by another reasonable steps to respond to the correction request

Sec 20T, 21V,  
Explanatory  
Memorandum  
p.150, 180-1

20.3 If a CRB or CP forms the view that correction request within the 30 day (as applicable) must as soon as practicable

- (a) notify the individual of the delay timeframe to resolve the matter;
- (b) seek the individual's agreement in the circumstances; and
- (c) advise that the individual may contact the **resolution scheme** of which the provide the contact details for the member of one, to the **Commissioner**
- (d) if the individual has not agreed to the correction request within the

Sec 20S(1),  
20T(2), 21U(1),  
21V(2)

20.4 If a CRB or CP is satisfied that **credit** corrected, the CRB's or CP's obligation information will be satisfied where the relation to the correction request (as

- (a) corrects the **credit information**
- (b) takes reasonable steps to ensure on the corrected **credit information**
- (c) takes reasonable steps to ensure the uncorrected **credit information** assessing the **credit worthiness** relates.

- (a) If:
- (i) an individual enters into a transaction referred to in Section 6S(1)(b) and the **information** in relation to the transaction is **credit reporting information**;
  - (ii) the individual requests a correction of the **information** held by the CRB or CP of the **information** that relates to a new arrangement or **payment**; or
  - (iii) the request is made on the basis that because of the unavoidable exercise of the individual's control, such as direct debit or fraud,

the CRB must, in consultation with the individual, consider whether the **information**, consider whether the **information** is date, incomplete, irrelevant or misleading, and if so, correct it, and if not, explain why the information is held by the CRB or CP.

- (b) Where, under paragraph 20.5(a), the **information** is inaccurate, out-of-date, incomplete, irrelevant or misleading, having regard to the purpose for which the **information** is held, the CRB must agree to correct the **credit reporting information** by destroying the **default information**.

20.6 On request by an individual, a CRB or CP must correct the **information** held by it in relation to the **information** that relates to a payment or **credit** if, at the time of the correction request, the CRB or CP is not subject to any limitations from recovering the amount of the payment or **credit**.

Sec 20U, 21W

Para 1.14,  
3.14, 3.15 of  
the pre-reform  
code

20.7 A CRB or CP must notify an individual of the decision made by the individual under Section 20.5. Where the decision is to correct the **information**, the CRB or CP must:

- (a) include all relevant **credit reporting information** (as applicable) held by the CRB or CP so that the individual can check that the information is correct;
- (b) explain:
  - (i) that the individual has a right to request a correction of the **reporting information** from the CRB or CP if it relates to a decision by a CRB or CP in relation to the individual; and
  - (ii) how that right may be exercised;
- (c) if the CRB or CP (as applicable) is not subject to any limitations from recovering the amount of the payment or **credit**, explain the CR code:
  - (i) explain what CRBs, CPs are and how they operate, or CP (as applicable) is intended to be used under Part IIIA, the Regulatory Code of Practice for Credit Reporting; and
  - (ii) ask the individual if there is any **recipient** that the individual wishes to notify of the correction.

20.8 Where a CRB or CP corrects **credit reporting information** about a payment or **credit**, the CRB or CP is not obliged to notify any previous recipients of that information, unless requested by the individual.

Section 20S(2),  
20U(2), 21U(2)  
21W(2),  
Explanatory  
Memorandum  
p.149, 179-80,  
Para 1.14 of  
the pre-reform  
code,  
Para 3.15 of  
the pre-reform  
code

- 20.9 Where a CRB or CP corrects **credit** gives rise to an obligation under Part **information recipient**, unless it is notification obligation is taken to be
- (a) the correcting CRB or CP gives n
    - (i) all CRBs to which it disclo
    - (ii) all CPs and **affected info** pre-corrected information w
    - (iii) any other CP or **affected** nominated by the individua information more than 3 mo
  - (b) if notice is given (in accordance **information recipient** that prev **CP derived information** that is i the notice includes revised **CRB d information** (as applicable) that information and such identificatio necessary to identify the individua
  - (c) the notice is given within 7 busi
- 20.10 Where an individual makes a corre the complaint handling provisions in request, even if the correction requere the individual about an act or practic

**Privacy Act  
Part IIIA  
Provisions**

Div 5,

**21.**

**Complaints**

Part IIIA enables an individual to complain eit Part IIIA (other than certain provisions pertain than an obligation that pertains to a Part IIIA acknowledged within 7 days, investigated an CPs must occur. A decision must be made in period agreed to by the individual in writing.

**Code  
Obligations**

Explanatory  
Memorandum  
p.189,  
Para 3.1, 3.2,  
of the pre-  
reform code

- 21.1 Where a CRB or CP is required by A a regulatory authority or an enforcea complaints handling requirements, t requirements for the purposes of a c must comply with the following sect *Guidelines for complaints handling in* under Part IIIA:
- (a) Section 4 *Guiding Principles*;
  - (b) Section 5.1 *Commitment*;
  - (c) Section 6.4 *Resources*;
  - (d) Section 8.1 *Collection of informa*
  - (e) Section 8.2 *Analysis and evaluat*
- 21.2 A CRB must be a member of a **rec scheme**.
- 21.3 A CRB or CP that is consulted by a reasonable steps to respond to the c
- 21.4 If a CRB or CP forms the view that the 30 day period required by Part II
- (a) inform the individual of this befo reason for the delay, the expected their agreement to an extension f

Sec 23B,  
Explanatory  
Memorandum  
p.191

Sec 23B(5)

		<p>then agreement to an extension of the time period in those circumstances; and</p> <p>(b) advise that the person may come under an obligation to provide the contact details for that member of such a scheme, to the person to whom the complaint relates.</p>
	Sec 23C(6)	<p>21.5 Where a CRB has an obligation under the Regulations or the CR code, and it is illegal to do so, to give notice to a CRB or practice that may breach Section 20 of the Regulations, the CRB or CP gives notice as soon as practicable to:</p> <p>(a) if the complaint relates to <b>credit-related personal information</b> by a CP – that CP;</p> <p>(b) any other CP to which the CRB or CP to which the complaint relates in the previous 12 months;</p> <p>(c) any other CP that has been notified by the CRB or CP to which the complaint relates in the previous 12 months.</p>
	Sec 23C(6)	<p>21.6 Where a CP has an obligation under the Regulations or the CR code, and it is illegal to do so, to give notice to a CRB or act or practice that may breach Section 20 of the Regulations, the CP gives notice as soon as practicable to:</p> <p>(a) if the complaint relates to <b>credit-related personal information</b> a CRB or another CP – that CRB or CP;</p> <p>(b) any other CRB or CP to which the complaint relates in the previous 12 months;</p> <p>(c) any other CP that has been notified by the CRB or CP to which the complaint relates in the previous 12 months.</p>
<b>Privacy Act</b>	<b>22.</b>	<b>Record keeping</b>
<b>Part IIIA</b>		Part IIIA imposes various obligations on CRBs and CPs in relation to information used or disclosed.
<b>Provisions</b>		
<b>Code</b>	Explanatory Memorandum	22.1 Each CRB and CP must maintain accounts and records in accordance with Part IIIA, the Regulations and the CR code.
<b>Obligations</b>	p.139,  Para 1.17, 2.14, 2.14A, 2.19 of the pre-reform code	<p>22.2 In particular, each CRB and CP must:</p> <p>(a) where <b>credit-related personal information</b> is disclosed, maintain records of the disclosure (where possible);</p> <p>(b) in the case of a CP that receives information from another CP:</p> <p>(i) the date on which that information was disclosed;</p> <p>(ii) the CP who disclosed the information;</p> <p>(iii) a brief description of the type of information disclosed;</p> <p>(iv) the evidence relied upon to verify the information;</p> <p>(c) for each disclosure that a CRB or CP receives, maintain records of or <b>credit eligibility information</b>:</p> <p>(i) the date of the disclosure;</p> <p>(ii) a brief description of the type of information disclosed;</p> <p>(iii) the CP, <b>affected individual</b> or <b>credit-related personal information</b> to which the disclosure was made; and</p> <p>(iv) evidence that the disclosure was made in accordance with the Regulations or the CR code;</p> <p>(d) records of any consent provided by the individual to whom the Regulations or the CR code;</p> <p>(e) in the case of a CP – records of a disclosure that a <b>consumer credit</b> application was made by that individual to the CP of credit to that individual; and</p>

- (f) records of correspondence and
  - (i) requests to establish or ex
  - (ii) requests for, or notificatio
  - (iii) complaints;
  - (iv) pre-screening requests by
  - (v) monitoring and auditing o
- Regulations and this CR coc

22.3 Records must be retained for a min  
the record is made unless, in the cas  
that the CRB is required by Part IIIA,  
the end of the applicable retention p  
retained for the duration of that rete

<b>Privacy Act Part IIIA Provisions</b>	Sec 20N and 20Q.	<b>23. Credit reporting system integrity</b>  Part IIIA includes measures to facilitate credi CRBs to ensure that regular audits are condu CPs are complying with aspects of their conti
<b>Code Obligations</b>	Sec 20N and 20Q.  Explanatory Memorandum p.30 and p.145	<p>23.1 To ensure that CRBs are able to ta required by sections 20N and 20Q to compliance, a CRB must establish a CPs' compliance with their obligator agreements with the CRB, to ensure</p> <ul style="list-style-type: none"> <li>(a) that <b>credit information</b> that th date and complete;</li> <li>(b) that <b>credit reporting informa</b> protected by the CP from misuse, access, modification or disclosure</li> <li>(c) that the CP takes the steps in re <b>personal information</b> required b</li> </ul> <p>23.2 The risk based program establishe must:</p> <ul style="list-style-type: none"> <li>(a) identify and evaluate indicators obligations referred to in paragra</li> <li>(b) assess the risk posed by CPs of s obligations utilising those risk indi to the CRB including correction re</li> <li>(c) utilise a reasonable range of mo those risk assessments from time questionnaires or attestations);</li> <li>(d) include an audit program for CPs referred to in paragraph 23.1.</li> </ul> <p>23.3 To be independent and so eligible part of the CRB's auditing program r</p> <ul style="list-style-type: none"> <li>(a) an auditor must not be a directo financial interest in the CP or, at a any such relationship or interest;</li> <li>(b) if the auditor is an employee of t and supervision arrangements mu auditor;</li> <li>(c) if the auditor is an employee of organisation's governance and su functional independence for the a</li> </ul>
	Sec 20N and 20Q	
	Sec 20N(3)(b), 20Q(2)(b)	



- functional independence for the a
- (d) the auditor must not have any o  
perception of the auditor's indepe  
time during the previous 12 mont

23.4 A CRB must take reasonable steps  
of a CP as part of the CRB's auditing  
sufficient expertise for the role inclu

- (a) knowledge of the requirements o  
(b) knowledge of audit methodology  
and  
(c) credit reporting system experier

23.5 Subject to paragraphs 23.3 and 23  
purposes of paragraph 23.2(d) may

- (a) a CRB's compliance or auditing t  
(b) consultants engaged by the CRE  
(c) consultants engaged by the CP v  
independence and expertise; or  
(d) an industry funded organisation  
organisation's independence and

23.6 The CRB must take reasonable ste  
reporting arrangements, is sufficient  
whether the CP is complying with the

23.7 A CP must permit a person, who co  
auditing program referred to in para  
CP's records for the purposes of carr

Sec 20N and  
20Q

Explanatory  
Memorandum  
p.30 and p.145

Explanatory  
Memorandum  
p.30 and p.146

Explanatory  
Memorandum  
p.146

23.8 A CP must take reasonable steps to  
audit undertaken pursuant to the CR  
23.2.

23.9 Where a CP fails to meet its contra  
IIIA, the Regulations and this CR cod

- (a) ensure that the **credit informa**  
accurate, up-to-date and complete

- (b) protect **credit reporting inform**  
misuse, interference or loss, or un  
the CRB will take such action as is reas  
include termination of the agreement.  
CRB first provides the CP with reasona  
agreement and an opportunity to trigg  
paragraph 23.10.

23.10 Where disputes arise between two  
**recipients** in relation to actions unc  
under Part IIIA, the Regulations or th  
endeavour to resolve the dispute in

23.11 A CRB must publish on its website,  
financial year ending on 30 June of t  
provided in 2014, for the period beg  
code and ending on 30 June 2014) th

## ACCESS

- (a) Individuals provided access with  
accordance with the following for

accordance with the following formula:

$\% = AI(WC) / IND \times 100$  where:

AI(WC) is the number individuals granted **credit information** (without charge) by the CRB during the reporting period; and IND is the number of individuals about whom **credit information** is held at the end of the reporting period;

- (b) Individuals provided access with **credit information** in accordance with the following formula:

$\% = AI(C) / IND \times 100$  where:

AI(C) is the number of individuals granted **credit information** by the CRB during the reporting period; and IND is the number of individuals about whom **credit information** is held at the end of the reporting period;

## CORRECTIONS

- (c) Correction requests received – the percentage of correction requests received in accordance with the following formula:

$\% = CR / IND \times 100$  where:

CR is the number of correction requests received by the CRB during the reporting period; and IND is the number of individuals about whom **credit information** is held at the end of the reporting period;

- (d) Successful corrections requests – the percentage of successful corrections requests received in accordance with the following formula:

$\% = SCR / CR \times 100$  where:

SCR is the number of successful corrections requests received by the CRB during the reporting period; and CR is the number of correction requests received by the CRB during the reporting period for which a correction should be made; and IND is the number of individuals about whom **credit information** is held at the end of the reporting period;

- (e) Corrections finalisation period – the average number of days for a correction calculated in accordance with the following formula:

Average days =  $TD / TC$  where:

TD is the total number of calendar days for which a correction request is finalised by the CRB during the reporting period; and TC is the total number of corrections finalised by the CRB during the reporting period;

- (f) Other corrections made – the percentage of other corrections made in accordance with the following formula:

$\% = OCR / IND \times 100$  where:

OCR is the number of other corrections received by the CRB during the reporting period that were not requested from the relevant individual; and IND is the number of individuals about whom **credit information** is held at the end of the reporting period;

- (g) Types of corrections made – information on the types of corrections made in accordance with the following formula:

- (i) the types of correction requests received by the CRB during the reporting period (including all types); and

- (ii) the industry sectors from which the correction requests originated from.

## COMPLAINTS

- (h) Complaints received – the percentage of complaints received in accordance with the following formula:

$\% = C / IND \times 100$  where:

$\% = C/IND \times 100$  where:

C is the number of complaints received by the CRB during the reporting period; and IND is the number of individuals against whom a complaint was received by the end of the reporting period;

- (i) Types of complaints – information about the types of complaints received by the CRB during the reporting period (by complaint type against all types)

- (j) Complaints finalised – the percentage of complaints finalised in accordance with the following formula:

$\% = F/IND \times 100$  where:

F is the number of complaints finalised by the CRB during the reporting period; and IND is the number of individuals against whom a complaint was received by the end of the reporting period;

- (k) Complaint finalisation period – the average number of days a complaint is finalised in accordance with the following formula:  
Average days =  $TD/TCP$  where:

TD is the total number of calendar days during the reporting period in which complaints were finalised by the CRB; and TCP is the total number of complaints finalised by the CRB during the reporting period;

- (l) Complaint outcomes – information about the outcomes of complaints finalised during the reporting period (by outcome against all outcomes);

#### SERIOUS CREDIT INFRINGEMENTS

- (m) **Serious credit infringements** – the percentage of serious credit infringements identified in accordance with the following formula:

$\% = SCI/IND \times 100$  where:

SCI is the total number of times during the reporting period that an individual disclosed an opinion to the CRB that an individual provider, committed a **serious credit infringement** against individuals about whom a complaint was received by the end of the reporting period;

- (n) **Serious credit infringements** – the percentage of serious credit infringements identified in accordance with the following formula:

$\% = SCI(S)/SCI \times 100$

SCI(S) is the number of times during the reporting period that a particular sector disclosed an opinion to the CRB that a CP committed a **serious credit infringement** against individuals about whom a complaint was received by the end of the reporting period; and SCI is the total number of times during the reporting period that a CP disclosed an opinion to the CRB that a CP committed a **serious credit infringement** against individuals about whom a complaint was received by the end of the reporting period;

#### THE CRB'S MONITORING AND AUDITING ACTIVITY

- (o) Information about the CRB's monitoring and auditing activity during the reporting period including the number of entities identified and any action taken in response to the identification of specific entities;

DISCLOSURE TO THE CRB OF CONSUMER CREDIT HISTORY INFORMATION

- (p) information about the take-up of **information** permitted to be held in 2014, including:
- (i) Disclosure to the CRB of **percentage** calculated in accordance with the formula:
- $$\% = \text{CCLI} / \text{CP} \times 100 \text{ where:}$$
- CCLI is the number of CPs that disclosed **information** to the CRB during the reporting period;
- (ii) Disclosure to the CRB of **percentage** calculated in accordance with the formula:
- $$\% = \text{RHI} / \text{CP} \times 100 \text{ where:}$$
- RHI is the number of CPs that disclosed any **credit information** to the CRB during the reporting period;

OTHER INFORMATION

- (q) Any other information requested

Privacy Act  
Part IIIA  
Provisions

24.

**Information Commissioner's role**

The Privacy Act specifies that this CR code must be made available to **information recipients** to report matters to

Para 4.2 of the pre-reform code

24.1 The Commissioner may, at the request of the **recipient**, agree to vary time limits for the **affected information recipient** (a specified time limit due to circumstances of practical or unforeseen difficulties.

24.2 Every 3 years, or more frequently if necessary, the Commissioner must commission an independent review of compliance by the CRB with its obligations under the CR code. The CRB must consult with the reviewer and scope of the review. The review report must be provided to the Commissioner.

24.3 The Commissioner will initiate an independent review of the CR code within 3 years of the date of the