# RESPONSE TO CONSULTATION PAPER

**Please note that all submissions received will be published and attributed to the respective respondents unless they expressly request MAS not to do so.  As such, if respondents would like (i) their whole submission or part of it, or (ii) their identity, or both, to be kept confidential, please expressly state so in the submission to MAS. In addition, MAS reserves the right not to publish any submission received where MAS considers it not in the public interest to do so, such as where the submission appears to be libellous or offensive.**

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| **Consultation topic:** | Proposed E-payments User Protection Guidelines |
| **Name1/Organisation:**  1if responding in a personal capacity |  |
| **Contact number for any clarification:** |  |
| **Email address for any clarification:** |  |
| **Confidentiality** | |
| I wish to keep the following confidential: | *(Please indicate any part of your submission you would like to be kept confidential, or if you would like your identity to be kept confidential. Your contact information will not be published.)* |

**General comments:**

**Question 1.** **Scope of Application**

**MAS seeks comments on the scope of payment transactions, protected accounts, account users, and responsible FIs selected for protection under these Guidelines, and whether other types of payment transactions, payment accounts, users of payment services, and FIs should also be within the ambit of these Guidelines. MAS also seeks views on whether this set of Guidelines achieves the intended effect of increasing consumer confidence in the use of e-payments and encouraging the wider adoption by the public of e-payments in Singapore**.

<Please fill in your response to each question in the blank space below the question.>

**Question 2. Definitions**

**MAS seeks comments on the proposed definitions to be used in these Guidelines, in particular, whether they are sufficiently clear and suitable. If you propose a different definition for the same term that is from another legislation or paper, please cite the full title of the legislation or paper and the specific provision in that legislation or paper where the term is defined. Please also let us have your views on whether these guidelines should also cover accounts that are not protected accounts but are linked to protected accounts[[1]](#footnote-1), and if so, in what way.**

**Question 3. Where the account holder is not liable for any loss**

**MAS seeks comments on the scope of the “no liability” situations, and whether there are more situations that the Guidelines should cater for under the “no liability” category.**

**Question 4. Where the account holder’s liability is capped**

**MAS seeks comments on the scope of the “limited liability” situations, and whether there are more situations that the Guidelines should cater for under this category. MAS also seeks views on whether the S$100 liability cap is appropriate.**

**Question 5. Where the account holder is liable for actual loss**

**MAS seeks comments on the scope of the “actual loss” situations, and whether there are more situations that the Guidelines should cater for under the “actual loss” category, given the intent that these Guidelines should encourage the use of e-payments.**

**Question 6. Liability for losses arising from unauthorised transactions**

**MAS seeks comments on the overall scope of this Part of the Guidelines and whether there are other significant factors that MAS should consider for this Part. MAS also seeks comments on whether it would be appropriate for the responsible FI and account holder to go through a dispute resolution process agreed between the responsible FI and the account holder in the unlikely event that paragraphs 4.1, 4.3 and 4.5 do not apply.**

**Question 7. Reporting duties of the account holder**

**MAS seeks comments on the proposed reporting duties of the account holder. In particular, we are interested to know if the reporting duties are sufficient from the point of view of the responsible FI, or if any duty is too onerous for the account holder to take on. We seek views on the respective deadlines proposed in this Part and if your view is that the deadline should be different, please explain in detail with data to support such arguments if possible. We are also interested to hear from you on whether the account holder should report by the next calendar day instead of the next business day, and whether your operations are ready to support receipt of reports every calendar day. If the next business day is a preferable deadline, please let us have your preferred definition of “business day”.**

**Question 8. Duty to protect access codes and protected accounts**

**MAS seeks comments on the other proposed excluded activities, in particular whether the description of the activities is sufficiently clear and whether more activities should be excluded. Please provide clear reasons to substantiate your comments on other activities that in your view should be excluded. Where referring to another jurisdiction’s legislation, please provide us with the full name of the legislation and specific provision number.**

**Question 9. Information and facilities provided by the responsible FI**

**MAS seeks comments on the proposed transaction notifications, recipient credential information, and reporting channel to be provided by the responsible FI.**

**Please let us have your views on:**

1. **Whether the proposed information in the transaction notification is appropriate for the purpose of allowing the account holder to monitor payment transactions;**
2. **Whether the proposed onscreen information is suitable to minimize account user’s erroneous transactions;**
3. **Whether the proposed characteristics of the reporting channel are suitable in general, and are suitable for your product line; and**
4. **Whether the deadlines proposed are appropriate.**

**Question 10. Claims investigation and outcomes.**

**MAS seeks comments on the proposed claims investigation process and proposal to credit the protected account while the claims investigation is ongoing. MAS seeks views on whether the deadlines proposed are appropriate and whether the exclusions from the expectation that the protected account should be credited are adequate. Please also let us know if a list of exceptional circumstances for an extended investigation should be set out in the Guidelines.**

**Question 11. Specific duties in relation to erroneous transactions**

**MAS seeks comments on the proposed duties of**

* **the responsible FI of the account holder,**
* **the responsible FI of the recipient, and**
* **the account holder**

**in relation to erroneous transactions. We also seek views on whether the proposed approach that responsible FIs use reasonable efforts to assist the account holder to recover sums paid to the wrong recipient is appropriate.**

**Question 12. General questions regarding these Guidelines**

**MAS seeks comments on any aspect of the proposed Guidelines that have not been covered in earlier questions. We also seek input from the insurance industry on solutions that insurers may have to offer in respect of the unauthorised transaction claims. Where possible, please share with us relevant data such as cost to the responsible FIs and timeframe for implementation of the proposed solution**.

1. For example, some transport stored value cards allow automatic top ups from bank accounts linked to the stored value card. [↑](#footnote-ref-1)