

GUIDELINE TO THE REGISTERED CREDIT BUREAUS AND CREDIT PROVIDERS ON THE RIGHT TO CHALLENGE CREDIT RECORDS AND INFORMATION

The purpose of this guideline is to inform all registered credit bureaus and credit providers on the NCR's position regarding the application of Section 72 (3) of the National Credit Act where 20 business days have elapsed.

Section 72 (1) (c) of the Act states that every person has a right to challenge the accuracy of information concerning that person –

- i) that is the subject of any proposed report contemplated in paragraph (a); or*
- ii) that is held by the registered credit bureau or national register, as the case may be.*

Section 72 (3) (c) states that if a person has challenged the accuracy of information proposed to be reported to a registered credit bureau or to the national credit register, or held by a credit bureau or the national credit register, the credit provider, credit bureau or national credit register, as the case may be, must take reasonable steps to seek evidence in support of the challenged information, and within the prescribed time after filing the challenge must –

- (a) provide a copy of any such credible evidence to the person who filed the challenge, or*
- (b) remove the information, and all record of it, from its files, if it is unable to find credible evidence in support of the information.*

If the accuracy of the consumer credit information has been challenged by a consumer in terms of Section 72 (3) (a) and (b) of the Act, the person to whom the challenge has been made must take reasonable steps set out in Section 72 (3) within 20 business days after the filing of the challenge.

It is the responsibility of the credit bureaus and sources of information to provide the credit information in support of the challenged information before the prescribed 20 business days have expired.

The NCR has noted with concern that the requirements of Section 72 (3) are not being adhered to as credit providers and other sources of information provide credible information to the credit bureaus **after** the prescribed 20 business days have lapsed, thus leading to the previously challenged and removed information being reloaded on consumer profiles. This practice is a contravention of Section 72 (3).

Credit bureaus are requested not to reload information that has been removed where the source of the information supplies the credible information to support the challenged information after 20 business days.

FOR MORE INFORMATION

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Disclaimer:

While the NCR has taken reasonable care to ensure the factual accuracy of these Guidelines, it cannot guarantee such accuracy especially with regards to future events. Accordingly, the NCR cannot accept responsibility for damages incurred by any party as a result of decisions or actions taken on the basis of information supplied in this Guideline.