

Amendment No 9 to the Credit Reporting Privacy Code 2004

Information Paper on Effect of the Amendment

This information paper explains Amendment No 9 to the Credit Reporting Privacy Code 2004 (annexed to this paper), which was issued by the Privacy Commissioner on 21 July 2014 and comes into force on 1 September 2014.

In summary, Amendment No 9:

- limits the amount a credit reporter can charge a consumer for immediate access to their credit report to \$10, including GST; and
- requires credit reporters to ensure that information displayed on their websites accords with the charging limits imposed by this amendment.

Background

Under the code, individuals are entitled to have access to credit information held by credit reporters. The code requires that access is to be given free of charge unless the individual concerned requests that the information be made available within five working days (we refer to this as “immediate access”).

Until recently, the code permitted credit reporters to make a “reasonable charge” for immediate access. However, the Commissioner found that a major credit reporter was making charges that substantially exceeded what was reasonable. The Commissioner decided to change the code to set an explicit limit on the amount a credit reporter could charge.

The Commissioner publicly notified his intention to amend the code in April 2014, and received eight submissions. Submissions are available at www.privacy.org.nz.

\$10 cap on charges

The amendment permits credit reporters to charge up to \$10 (including GST), irrespective of the method by which information is made available (for example, by post or email).

Display of information on websites

Credit reporters are obliged to give consumers clear information about their statutory entitlements on their websites. The amendment makes clear that information on free and chargeable access must be consistent with the code.

Commencement date

The amendment comes into force on 1 September 2014, nearly six weeks after being issued.

Annex**Credit Reporting Privacy Code 2004 Amendment No 9**

I, JOHN EDWARDS, Privacy Commissioner, now issue under section 51 of the Privacy Act 1993, this amendment to the Credit Reporting Privacy Code 2004.

Issued by me at Wellington on 21 July 2014.

The SEAL of the Privacy Commissioner was)
 affixed to this amendment to the Credit) [L.S.]
 Reporting Privacy Code 2004 by the)
 Privacy Commissioner)

John Edwards

Privacy Commissioner

1. Title

This amendment is the Credit Reporting Privacy Code 2004 Amendment No 9.

2. Commencement

This amendment will come into force on 1 September 2014.

3. Amendment to clause 6: Rule 6 (access to credit information)

Rule 6 is amended in the following manner:

Insert : (3A) Wherever a credit reporter displays information on its website describing charges made for access, the information must be in accordance with the explicit limit imposed by clause 7(2)(b).

4. Amendment to clause 7 (charges)

Clause 7(2)(b) is amended in the following manner:

Delete : the phrase “a reasonable charge”

Substitute : “a charge not exceeding \$10.00 (including GST)”

Explanatory note:

This note is not part of the amendment, but is intended to indicate its general effect.

This amendment, which comes into effect 1 September 2014, amends the Credit Reporting Privacy Code 2004 to limit to a maximum of \$10 the amount a credit reporter can charge to provide an individual with immediate access to their credit information.

The amendment is deemed to be a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012.

Legislative history:

21 July 2014 – amendment issued

24 July 2014 – amendment notified in the Gazette

1 September 2014 – amendment commences