



STATUTORY INSTRUMENTS.

S.I. No. 488 of 2016

CREDIT REPORTING ACT 2013 (SECTION 20) (VERIFICATION OF
IDENTITY OF CREDIT INFORMATION SUBJECTS) REGULATIONS
2016

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In exercise of the powers conferred on it by section 20 of the Credit Reporting Act 2013 (No. 45 of 2013), the Central Bank of Ireland, following consultation with the Data Protection Commissioner, with the consent of the Minister for Finance, and it appearing to the Central Bank of Ireland that the steps prescribed herein are reasonable to require a credit information provider to take to verify the identity of credit information subjects hereby makes the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Credit Reporting Act 2013 (Section 20) (Verification of Identity of Credit Information Subjects) Regulations 2016.

(2) Regulation 3(1) comes into operation on 30 June 2017.

(3) These Regulations, other than Regulation 3(1), come into operation on 31 December 2017.

Interpretation

2. (1) In these Regulations:

“Act of 2013” means the Credit Reporting Act 2013 (No. 45 of 2013);

“Bank” means the Central Bank of Ireland.

(2) A word or expression used in these Regulations has the same meaning in these Regulations as it has in the Act of 2013.

Verification of identity of credit information subjects

3. (1) A credit information provider shall take all reasonable steps to verify the identity of credit information subjects who—

(a) make credit applications to, or credit agreements with, the credit information provider, or

(b) propose to give or give, a guarantee or indemnity in connection with a credit agreement with the credit information provider.

(2) Without prejudice to the generality of paragraph (1), a credit information provider who makes a credit agreement with a credit information subject shall, as and from the date when that provider first provides personal information to

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“Iris Oifigiúil” of 23rd September, 2016.*

the Bank in accordance with Part 2 of the Credit Reporting Act 2013 (Section 11) (Provision of Information for Central Credit Register) Regulations 2016, and in order to verify the identity of the credit information subject concerned, comply with the requirements set out—

- (a) in Part 1, in respect of a credit information subject who is an individual,
- (b) in Part 2, in respect of a credit information subject who is an individual carrying on activities other than as an employee, and
- (c) in Part 3, in respect of a credit information subject which is not an individual.

Part 1

CREDIT INFORMATION SUBJECTS WHO ARE INDIVIDUALS

Name and date of birth

4. (1) Subject to paragraphs (2) and (4), a credit information provider shall verify an individual's forename, surname and date of birth against an original of any of the following documents currently in force—

- (a) Passport,
- (b) Driving Licence.

(2) If a credit information subject does not possess any of the documents specified in paragraph (1) the credit information provider may verify the information against any other reliable document that contains the name and date of birth of the credit information subject.

(3) In determining the reliability of the document referred to in paragraph (2) the credit information provider shall have regard to the following:

- (a) the nature of the body by whom the document was issued;
- (b) the nature of the document;
- (c) whether it might reasonably be expected that the document was issued following checks on the identity of the person.

(4) A credit information provider shall retain a copy of any document used for the purpose of verification under this Regulation for a period of 5 years beginning on the date that the credit information provider is last required by section 11 of the Act of 2013 and any Regulations made thereunder to provide personal information to the Bank in respect of that credit information subject.

Address

5. (1) Subject to paragraph (2) and (4), a credit information provider shall verify an individual's address against an original of any of the following documents issued in the previous six months—

- (a) a utility or telephone bill;
- (b) a statement from a credit institution;
- (c) any correspondence from the Department of Social Protection or the Revenue Commissioners addressed to the individual;
- (d) any correspondence from any other statutory body or State agency addressed to the individual;
- (e) any correspondence from an insurance company addressed to the individual in respect of an insurance policy currently in force.

(2) If a credit information subject does not possess any of the documents specified in paragraph (1) the credit information provider may verify the information against any other reliable document that contains the address of the credit information subject.

(3) In determining the reliability of the document referred to in paragraph (2) the credit information provider shall have regard to the following:

- (a) the nature of the body by whom the document was issued;
- (b) the nature of the document;
- (c) whether it might reasonably be expected that the document was issued following checks on the identity of the person.

(4) A credit information provider shall retain a copy of any document used for the purpose of verification under this Regulation for a period of 5 years beginning on the date that the credit information provider is last required by section 11 of the Act of 2013 and any Regulations made thereunder to provide personal information to the Bank in respect of that credit information subject.

Personal public service or other tax number

6. (1) A credit information provider shall verify an individual's personal public service number (PPSN) against an original of any of the following documents—

- (a) any correspondence from the Department of Social Protection or the Revenue Commissioners addressed to the individual showing the individual's PPSN,
- (b) P21, Tax Assessment or Notice of Tax Credits,
- (c) Receipt of Social Welfare Payment,

(d) Medical Card / Drug Payment Scheme (DPS) Card,

(e) Payslip, P60/P45.

(2) If a credit information subject cannot provide any of the documents specified in paragraph (1) the credit information provider may verify a credit information subject's PPSN using any other document or process that may reasonably be relied upon for the purpose.

(3) A credit information provider shall verify any other number allocated to the individual for the purposes of tax against any document that may reasonably be relied upon for the purpose.

(4) In determining the reliability of any document referred to in paragraph (2) or (3) the credit information provider shall have regard to the following:

(a) the nature of the body by whom the document was issued;

(b) the nature of the document;

(c) whether it might reasonably be expected that the document was issued following checks on the identity of the person.

(5) A credit information provider shall retain a copy of any document used for the purpose of verification under this Regulation for a period of 5 years beginning on the date that the credit information provider is last required by section 11 of the Act of 2013 and any Regulations made thereunder to provide personal information to the Bank in respect of that credit information subject.

Part 2

CREDIT INFORMATION SUBJECTS WHO ARE INDIVIDUALS CARRYING ON ACTIVITIES OTHERWISE THAN AS AN EMPLOYEE

Tax Registration Number and other tax numbers

7. (1) A credit information provider shall verify the Tax Registration Number of an individual who carries on activities otherwise than as an employee against an original Tax Clearance Certificate issued by the Revenue Commissioners to the individual and currently in force.

(2) If the individual who carries on activities otherwise than as an employee is a partnership and a single Tax Clearance Certificate was issued by the Revenue Commissioners to the partnership, the partnership's Tax Registration Number shall be verified against that Tax Clearance Certificate.

(3) If an individual who carries on activities otherwise than as an employee does not possess the documents specified in paragraph (1) or, as appropriate, paragraph (2) the credit information provider may verify the information against any other tax reference documentation issued by the Revenue Commissioners or other relevant tax authority in respect of that tax type.

(4) In determining the reliability of the document referred to in paragraph (3) the credit information provider shall have regard to the following:

- (a) the nature of the body by whom the document was issued;
- (b) the nature of the document;
- (c) whether it might reasonably be expected that the document was issued following checks on the identity of the person.

(5) A credit information provider shall retain a copy of any document used for the purpose of verification under this Regulation for a period of 5 years beginning on the date that the credit information provider is last required by section 11 of the Act of 2013 and any Regulations made thereunder to provide personal information to the Bank in respect of that credit information subject.

Address

8. (1) Subject to paragraphs (2) and (4), a credit information provider shall verify the address of an individual who carries on activities otherwise than as an employee against an original of any of the following documents issued in the previous six months—

- (a) a utility or telephone bill,
- (b) a statement from a credit institution,
- (c) any correspondence from the Department of Social Protection or the Revenue Commissioners addressed to the individual,
- (d) any correspondence from any other statutory body or State agency addressed to the individual,
- (e) any correspondence from an insurance company addressed to the individual in respect of an insurance policy currently in force.

(2) If a credit information subject does not possess any of the documents specified in paragraph (1) the credit information provider may verify the information against any other reliable documentation that contains the address of the credit information subject.

(3) In determining the reliability of the documentation referred to in paragraph (2) the credit information provider shall have regard to the following:

- (a) the nature of the body by whom the document was issued;
- (b) the nature of the document;
- (c) whether it might reasonably be expected that the document was issued following checks on the identity of the person.

(4) A credit information provider shall retain a copy of any document used for the purpose of verification under this Regulation for a period of 5 years

beginning on the date that the credit information provider is last required by section 11 of the Act of 2013 and any Regulations made thereunder to provide personal information to the Bank in respect of that credit information subject.

Part 3

CREDIT INFORMATION SUBJECTS WHICH ARE NOT INDIVIDUALS

Name and registration number

9. (1) Subject to paragraph (2) and (3), a credit information provider shall verify the legal name and registration number (if any) of a credit information subject which is not an individual against the certificate of incorporation issued to it by the Companies Registration Office or against an equivalent document issued by an authority in any other country or territory in the exercise of a function similar to the function exercised by the Companies Registration Office.

(2) If a credit information subject does not possess any of the documents specified in paragraph (1) the credit information provider may verify the information against any other reliable documentary evidence that contains the legal name and registration number (if any) of the credit information subject.

(3) In determining the reliability of the documentary evidence referred to in paragraph (2) the credit information provider shall have regard to the following:

- (a) the nature of the body by whom the document was issued;
- (b) the nature of the document;
- (c) whether it might reasonably be expected that the document was issued following checks on the identity of the person.

(4) A credit information provider shall retain a copy of any document used for the purpose of verification under this Regulation for a period of 5 years beginning on the date that the credit information provider is last required by section 11 of the Act of 2013 and any Regulations made thereunder to provide personal information to the Bank in respect of that credit information subject.

Tax Registration Number and other tax numbers

10. (1) A credit information provider shall verify the Tax Registration Number of a credit information subject which is not an individual against an original Tax Clearance Certificate issued by the Revenue Commissioners to the credit information subject and currently in force.

(2) A credit information provider shall verify any other tax number of a credit information subject which is not an individual against any other tax reference documentation issued by the Revenue Commissioners or other relevant tax authority in respect of that tax type.

(3) If a credit information subject which is not an individual does not possess the documents specified in paragraph (1) or, as appropriate, paragraph (2) the credit information provider may verify the information against any other reliable

document issued by the Revenue Commissioners or other tax authority in respect of that tax type.

(4) In determining the reliability of the document referred to in paragraph (3) the credit information provider shall have regard to the following:

- (a) the nature of the body by whom the document was issued;
- (b) the nature of the document;
- (c) whether it might reasonably be expected that the document was issued following checks on the identity of the person.

(5) A credit information provider shall retain a copy of any document used for the purpose of verification under this Regulation for a period of 5 years beginning on the date that the credit information is last required by section 11 of the Act of 2013 and any Regulations made thereunder to provide personal information to the Bank in respect of that credit information subject.

Address

11. (1) Subject to paragraphs (2) and (4), a credit information provider shall verify the address of a credit information subject which is not an individual against an original of any of the following documents issued in the previous six months—

- (a) a utility or telephone bill,
- (b) a statement from a credit institution,
- (c) any correspondence from the Department of Social Protection or the Revenue Commissioners addressed to the credit information subject,
- (d) any correspondence from any other statutory body or State agency addressed to the credit information subject,
- (e) any correspondence from an insurance company addressed to the credit information subject in respect of an insurance policy currently in force.

(2) If a credit information subject does not possess any of the documents specified in paragraph (1) the credit information provider may verify the information against any other reliable documentary evidence that contains the address of the credit information subject.

(3) In determining the reliability of the documentary evidence referred to in paragraph (2) the credit information provider shall have regard to the following:

- (a) the nature of the body by whom the document was issued;
- (b) the nature of the document;

(c) whether it might reasonably be expected that the document was issued following checks on the identity of the person.

(4) A credit information provider shall retain a copy of any document used for the purpose of verification under this Regulation for a period of 5 years beginning on the date that the credit information is last required by section 11 of the Act of 2013 and any Regulations made thereunder to provide personal information to the Bank in respect of that credit information subject.

The Minister for Finance consents to the making of these Regulations.



GIVEN under my Official Seal,
16 September 2016.

MICHAEL NOONAN,
Minister for Finance.

Signed for and on behalf of the CENTRAL BANK OF IRELAND,
20 September 2016.

PHILIP LANE,
Governor of the Central Bank of Ireland.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

Regulations made under section 20 of the Credit Reporting Act 2013 prescribe reasonable steps a credit information provider is required to take to verify the identity of credit information subjects.

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