

Explanatory Notes **Consumer Complaint Form**

*Please read the following instructions before using/completing the **Consumer Complaint Form**.*

General Information

Section 16 of the Credit Reporting Act, 2010 provides for:

- A consumer who has a dispute re the accuracy or completeness of any information disclosed by a credit bureau to make a complaint in writing or in person to the credit bureau [Section 16(1)];
- The credit bureau to take steps to respond as soon as is reasonably practicable to the complaint but not later than 14 days after the complaint is made [Section 16(2)];
- The credit bureau to place a written report of the complaint on the consumer's file outlining the steps taken to resolve the complaint [Section 16(2)(c)];
- A copy of the above report to be delivered to the consumer without charge, along with a written notice advising the consumer of his rights and time limits applicable to filing the complaint [Section 16(2)(d)]; and
- Consumers who are dissatisfied with the steps taken by the Credit Bureau after the complaint has been made, to make a complaint in writing to the Supervising Authority within 30 days of receiving the written report from the credit bureau [Section 16(3)(a)].

The **Consumer Complaint Form** therefore provides a standard format for the submission of complaints to the Supervising Authority (i.e. Bank of Jamaica) as permitted by Section 16 (3) of the Credit Reporting Act. The Form is to be used/completed by persons who have a complaint with regard to the accuracy or completeness of their credit information and who have already complained in writing or in person to a credit bureau and are dissatisfied with the response provided by the credit bureau.

Section A: Consumer's Personal Information

Personal information as indicated (i.e. names, TRN and address/es) of the consumer filing the complaint or on whose behalf the complaint is being filed is to be provided in this section.

Section B: Consumer Representative's Personal Information

This section should be completed if the form is being completed by someone other than the consumer filing the complaint.

Section C: Details of Complaint to Credit Bureau

Information on the complaint should be provided as follows:

- Name and address of the credit bureau to which the complaint was made and against which the complaint is being made.
- Date the complaint was first made to the credit bureau in the format YY/MM/DD
- Method by which the complaint was made; whether in person, or in writing.
- Reason for the complaint i.e. whether and instance/s of incomplete information or inaccurate information. **When using this form, there can be no other reason for a complaint to the Supervising Authority.**
- Detailed description of the complaint made to the credit bureau. Where possible include the name(s) of the person(s) to whom you spoke, time and date as well as any other information you deem pertinent to your complaint. Provide as much details as possible to assist the Bank of Jamaica in investigating and responding to your complaint.
- Date you received the report from the credit bureau in the format YY/MM/DD

You may provide, along with the complaint form, the report which was received from the credit bureau. Failure to provide copy of the report will not prevent the Bank of Jamaica from proceeding with its investigations into the complaint.

Section D: Nature of Complaint to the Supervising Authority

Indicate, by ticking the appropriate box or boxes, which of the listed complaints is relevant to the specific complaint you are now making. Other pertinent details regarding the nature of the complaint may also be provided.

It should be noted that the permissible bases for a complaint to the Supervising Authority under the CRA [Section 16(2) and (3)] are as follows:

- Failure of credit bureau to take steps to confirm, correct or complete information
- Failure of credit bureau to provide copy of complaint made by consumer when disclosing credit information after receiving the complaint but before completing the steps to confirm, correct or complete information
- Failure to place a written report of the complaint and the steps taken to resolve the complaint on the consumer's file
- Failure of Credit Bureau to provide a written report of complaint without charge to the consumer

- Failure of Credit Bureau to provide written notice advising consumer of his rights to complain in writing to the Supervising Authority within thirty days after receiving the report
- Failure of Credit Bureau to provide a copy of the corrected/completed information to all persons to whom the credit bureau had disclosed incorrect/incomplete information

Other Important Information

1. The consumer or his/her representative is required to sign and date the Form. The form should be delivered, along with a copy of the credit bureau report to the Bank of Jamaica, addressed as follows:

The Director
Credit Reporting Oversight
Financial Institutions Supervisory Division
Bank of Jamaica
Nethersole Place
Kingston

2. When your complaint is received, the Bank of Jamaica will conduct its investigations and give the credit bureau an opportunity to respond.
3. Pursuant to Section 16(4) of the CRA, the Bank of Jamaica may dismiss the complaint, or direct the offending credit bureau to take steps to:
 - (i) Correct or complete the information;
 - (ii) Restrict or prohibit the use of the information; or
 - (iii) Notify the persons to whom the inaccurate or incomplete information was disclosed by or on behalf of the credit bureau.
4. The Bank of Jamaica will notify you and the credit bureau of the decision in writing.
5. A consumer or a credit bureau who is aggrieved by the decision or direction of the Bank of Jamaica may make an appeal in writing to the Appeal Tribunal¹ pursuant to Section 16 (4) of the CRA.
6. Please note that the information provided will be shared with the credit bureau against which a complaint is filed, to facilitate the Bank of Jamaica's investigations.

Bank of Jamaica
January 2013

¹ Section 18 of the CRA provides information on the establishment and functions of the Appeal Tribunal.