

MINISTRY OF FINANCE
(Department of Economic Affairs)
(BANKING DIVISION)

NOTIFICATION

New Delhi, the 14th December, 2006

G.S.R. 753(E).—In exercise of the powers conferred by section 36 of the Credit Information Companies (Regulation) Act, 2005, and after consultation with the Reserve Bank of India, the Central Government, hereby makes the following rules, namely: -

CHAPTER I

PRELIMINARY

1. Short title and commencement. - (1) These rules may be called the Credit Information Companies Rules, 2006.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. - (1) In these rules, unless the context otherwise requires, -

(a) "access" with its grammatical variations and cognate variations means gaining entry into, instructing or communicating with logical, arithmetical or memory function resources of a computer, computer system or computer network including approach or communication or making use of data, information or credit information through any means, physical or otherwise..

(b) "Act" means the Credit Information Companies (Regulation) Act, 2005 (30 of 2005);

(c) "agent" means a person duly authorised by a company or a credit information company, as the case may be, to present an appeal or a written reply on its behalf, before the appellate authority;

(d) "appeal" means an appeal filed under sub-section(1) of section 7 of the Act;

(e) "appellant" means an applicant company or a credit information company, as the case may be, making an appeal to the appellate authority under sub-section (1) of section 7 of the Act;

(f) "appellate authority" means the Central Government, or such other authority or tribunal as may be designated subsequently by the Central Government as per sub-section (1) of section 7 of the Act;

(g) "data" in relation to a credit institution, or a credit information company, or a specified user means such facts which are collected by or furnished to them, in respect of a borrower or a client, as the case may be, and form part of the credit information relating to such borrower or client, which is maintained, disseminated and used by them in accordance with the provisions of the Act;

(h) "form" means the form appended to the Schedule to these rules;

(i) "information" means, collectively all data, and credit information or any part thereof, collected by or furnished to, a credit institution, or a credit information company, or a specified user, as the case may be, in accordance with the provisions of the Act;

(j) "rules" means the rules made under the Act;

(k) "section" means a section of the Act;

(2) Words and expressions used and not defined in these rules but defined in the Act or the Information Technology Act, 2000 (21 of 2000), shall have the same meanings respectively assigned to them in the said Acts.

CHAPTER II

APPEAL

3. Appellate authority.- The Central Government, or such other Authority or Tribunal as may be designated subsequently by the Central Government as per sub-section (1) of section 7 of the Act shall be the Appellate Authority for the purpose of sub-section (1) of section 7 of the Act.

4. Form and procedure of appeal.- (1) An appeal as per the provisions of sub-section (1) of section 7 of the Act, shall be presented in Form 1 in duplicate by an aggrieved credit information company, or its agent or by a duly authorised legal practitioner, before the appellate authority or shall be sent by registered post addressed to such authority with acknowledgement duly addressed to the appellate authority or any other officer authorised in writing by the appellate authority to receive the same.

(2) An appeal sent by post under sub-rule (1) shall be deemed to have been presented to the appellate authority on the day on which it is received in the office of the appellate authority.

5. Sitting of appellate authority. - The appellate authority shall hold its sitting either at a place where its office is situated or at such other place as it may deem fit.

6. Language of appellate authority. - The proceedings of the appellate authority shall be conducted in English or Hindi and the appeal, application, or any other document submitted before the appellate authority, shall be in such language and in case any of such documents is in a different language, the translation thereof in English or Hindi shall be required to be produced.

7. Appeal to be in writing. - (1) Every appeal, application, reply, representation or any other document filed before the appellate authority shall be typewritten, cyclostyled or printed neatly and legibly on one side of the good quality paper in double space and separate sheets consecutively numbered shall be stitched together and filed in the manner as provided in sub-rule (2).

(1) The appeal under sub-rule (1) shall be presented in duplicate duly signed by the agent of the aggrieved company or the credit information company, as the case may be.

8. Contents of memorandum of appeal. - (1) Every memorandum of appeal filed under rule 4 shall set forth concisely under distinct heads, the grounds of such appeal without any argument or narrative and such grounds shall be numbered consecutively.

(2) For seeking an interim order or direction, appropriate submissions and relief prayed for in respect thereof may be included in the memorandum of appeal and it shall not be necessary to present separate application or memorandum in this behalf.

9. Documents to accompany memorandum of appeal. - (1) Every memorandum of appeal shall be accompanied with copies of the order against which the appeal is filed and the documents relied upon by the appellant.

(2) Where the appellant is represented by an agent, or any of its officers before the appellate authority, the document authorising him to act in such capacity shall also be appended to the memorandum of appeal.

10. Presentation and scrutiny of memorandum of appeal. -

(1) If on scrutiny of the appeal received, it is found to be in order, the same shall be duly registered by the secretariat of the appellate authority and given a serial number.

(2) If on scrutiny, an appeal is found to be defective and the defect is such that it could be allowed to be rectified, the appellate authority may grant time not exceeding thirty days for such rectification and direct its secretariat to communicate to the appellant the defect and the time granted for its rectification.

(3) If the appellant fails to rectify the defect within the time as allowed for the purpose as per sub-rule (2), the secretariat shall submit the report of such failure of the appellant for consideration of the appellate authority, who may by an order and for reasons to be recorded in writing, decline to register the appeal and direct the secretariat to communicate such order to the appellant within seven days from the date of the order.

(4) If the appellant submits any representation within a period of fifteen days from the date of receipt of communication as per sub-rule

(5), with sufficient explanation in respect of its failure to rectify the defect within the time granted for the purpose as per sub-rule (2), the secretariat shall submit such representation for consideration of the appellate authority.

(5) The appellate authority may, subject to its satisfaction about the sufficiency of the explanation furnished as per sub-rule (4), by an order and for reasons to be recorded in writing, review the order passed under sub-rule (3) and grant further time not exceeding fifteen days for rectification of the defect, or may reject the representation in case such explanation is not found to be satisfactory, and any such order passed by the appellate authority shall be final.

11. Notice of appeal to the respondent. - A copy of the memorandum of appeal along with the copy of the documents submitted therewith, shall be served by the secretariat of the appellate authority on the respondent as soon as the appeal is registered as per sub-rule (1) of rule 10, by hand delivery, or by registered post or speed post.

12. Filing of reply to the appeal and other documents. - (1) The respondent may file reply in duplicate to the appeal along with documents, in the secretariat of the appellate authority, within one month of the service of the notice on him of the filing of the memorandum of appeal.

(2) The respondent shall also endorse one copy of the reply to the appeal along with documents filed as per sub-rule (1) to the appellant.

(3) The appellate authority may, in its discretion on an application by the respondent, allow the filing of the reply after the expiry of period referred to in sub-rule (1).

13. Date of hearing to be communicated. - (1) The appellate authority shall fix the date and place of hearing of the appeal and direct its secretariat to communicate the same to the appellant and the respondent in the manner as the appellate authority may by general or special order direct.

(2) The appellate authority may subject to its satisfaction adjourn the hearing of the appeal, if so requested by any of the parties to the appeal.

14. Hearing of appeal.—(1) On the date fixed for hearing or the next date in case of adjournment, the appellant and the respondent shall be given due opportunity for putting forth their submissions in support of their plea.

(2) The appellate authority may allow the parties to submit their written arguments in addition to their oral arguments.

(3) In case of non-appearance of the appellant on the date fixed for hearing or the next date in case of adjournment, the appellate authority may, in its discretion adjourn the hearing or may dispose of the appeal on merits.

(4) Where an appeal has been disposed off as per sub-rule (3) and the appellant appears afterwards and furnishes satisfactory explanation for non-appearance on the date when the appeal was decided ex-parte, the appellate authority may subject to its satisfaction about the explanation, set aside the ex-parte order and restore the appeal and decide the same on merits after hearing the parties.

15. Order to be signed and dated.—(1) Every order of the appellate authority shall be in writing and shall be signed and dated by the appellate authority passing the order.

(2) During the pendency of the appeal, the appellate authority shall have powers to pass such interim order as it may deem fit including one of an injunction, subject to reasons to be recorded in writing, which it considers necessary in the interest of justice.

16. Communication of order.—Every order passed on an appeal shall be communicated to the appellant and to the respondent concerned either in person or by registered post within a period of seven days from the date of the order.

17. Orders and directions in certain cases.—The appellate authority may make such orders or give such directions, as may be necessary or expedient to give effect to its orders or to prevent abuse of its process.

CHAPTER III

STEPS AND SECURITY SAFEGUARDS TO BE TAKEN BY CREDIT INSTITUTIONS FOR ENSURING ACCURACY, COMPLETENESS AND PROTECTION OF DATA

18. Steps for security and safeguards to be taken by credit institution. - Every credit institution, in existence in India on the commencement of these rules, before the expiry of three months from such commencement, and every other credit institution before the expiry of three months of commencing their business in India, shall formulate appropriate policy and procedure, duly approved by its Board of Directors, specifying therein the steps and security safeguards, to be adopted in their operations relating to -

- (a) collection, processing and collating of data, information and credit information by them relating to their borrower or client;
- (b) steps to be taken for ensuring security and protection of data, information, and credit information maintained by them;
- (c) appropriate and necessary steps for maintaining an accurate, complete and updated data, information and credit information, in respect of their borrower or client, and to ensure the accuracy and completeness thereof while furnishing the same to a credit information company or making disclosure thereof to anyone else in accordance with the provisions of the Act; and
- (d) transmitting data, information and credit information through secure medium.

19. Collection of data and maintaining credit information. - (1) A credit institution shall -

- (a) collect all such relevant data in respect of its borrower or client, as it may deem necessary and appropriate for maintaining an accurate and complete data, information and credit information in respect of such borrower or client; and
- (b) use such data, information and credit information subject to the provisions of the Act.

(2) Without prejudice to the generality of the policy and procedure to be adopted as per rule 18 and sub-rule (1) with respect to collection and maintaining of data, information and credit information in relation to its borrower and client, a credit institution shall also collect all relevant and authentic available data and information as per Form-II for preparing, maintaining credit information in relation to them and for establishing their identity.

20. Accuracy of data provided by a credit institution.- (1) Every credit institution before furnishing data or an information or credit information to a credit information company or making disclosure thereof to anyone else in accordance with the provisions of the Act shall ensure that the credit information is accurate and complete with reference to the date on which such information is furnished or disclosed and adopt appropriate procedure in this behalf with the approval of their Board.

(2) If, for any reason beyond control, it is not possible for any credit institution to furnish credit information as per sub-rule (1), such credit institution while furnishing the credit information to a credit information company or making disclosure thereof to anyone else, shall make a remark with reference to the date up to which the accuracy and completeness of the credit information has been verified and found to be correct.

(3) Subject to the provisions of sub-sections (2) and (3) of section 21 of the Act, in respect of alteration and updating of credit information on request of a borrower in accordance with the said provisions, if a credit institution after furnishing the data or information or credit information, to a credit information company or making disclosure thereof to anyone else, in accordance with the Act, discovers of its own, or is informed about, any inaccuracy, error or discrepancy therein the credit institution shall -

- (a) latest by third day, send the intimation to the credit information company or the individual, as the case may be, of such inaccuracy, error or discrepancy;
- (b) take immediate steps to correct such inaccuracy, error or discrepancy; and
- (c) the credit institution shall forward the corrected particulars of the data or information or credit information, as the case may be, to the credit information company or the individual, as the case may be, within period of twenty one days from the date

when the credit institution had discovered such inaccuracy, error or discrepancy or information in respect thereof was given to it.

(4) If, for any reason beyond its control, it is not possible for a credit institution to take immediate steps as per sub-rule (3), such credit institution shall inform the credit information company or the individual, as the case may be, of the steps taken by it for correction of the inaccuracy, error or discrepancy and also the reasons for its inability to comply with the provisions of sub-rule (3) within the time stipulated therein.

(5) Any credit institution failing to take steps as per this rule, without any sufficient reason shall be liable for contravention of the provisions of the Act.

21. Disclosure of disputed data by a credit institution.— If, in the opinion of a credit institution, correction of any inaccuracy, error or discrepancy as referred to in rule 20, is likely to take further time on account of any dispute raised by a borrower in respect thereof, with the credit institution or before a court of law, or any forum, or tribunal or any other authority, in such cases the credit institution shall adopt the following course of action, namely:—

- (a) if the disputed data has not been furnished, in such event while furnishing such data to a credit information company or making disclosure thereof to anyone else, in accordance with the Act, the credit institution shall include an appropriate remark to reflect the nature of the inaccuracy, error or discrepancy found therein and the pendency of the dispute in respect thereof and in any subsequent disclosure of such disputed data the credit institution shall also disclose such remark; or
- (b) in case such credit information has already been furnished to a credit information company or disclosed to anyone else, the credit institution shall inform the credit information company or the individual, as the case may be, to include the remark about such inaccuracy, error or discrepancy and the pending dispute in respect thereof, against such data, information or credit information received by them from the credit institution; and

(c) the entries in books of the concerned credit institution shall be taken into account for the purposes of credit information relating to such borrower as provided under the provisions of second proviso to sub-section (3) of section 21 of the Act.

22. Updating of the credit information by credit Institution. - Without prejudice to the provisions of rule 21, if there is any change in the data, information or credit information, already furnished to a credit information company due to change in the liability of the borrower or his guarantor, on account of write off in full or in part of the amount of outstanding dues of the credit institution or the repayment thereof by the borrower or his guarantor, or release of the guarantor, or any scheme of arrangement entered into between the credit institution and the borrower, or the final settlement of the amount payable by the borrower pursuant to any scheme of arrangement with the credit institution, as the case may be, or on account of any such other reason, the credit institution shall,-

(a) continue to update such data, information or credit information promptly or in any event, by the end of each reporting period not exceeding thirty days until the termination of the respective account relating to such credit information; and

(b) furnish an updated credit information to the credit information company at the earliest in this behalf.

23. Data security and system integrity safeguards. - Every credit institution shall adopt such procedure and measures in relation to their daily operations as may be necessary to safeguard and protect the data, information and the credit information maintained by them, against any unauthorised access to or misuse of the same including the following safeguards, namely: -

(a) adopting the minimum standards for physical and operational security including site design, fire protection, environmental protection;

(b) keeping the round the clock physical security;

(c) issuance of instructions for removing, labeling and securing the removable electronic storage media at the end of the session or working day;

- (d) providing physical access to the critical systems to be on dual control basis;
- (e) making comprehensive succession plan for the key personnel so as to ensure that non-availability of a person does not disrupt the system;
- (f) keeping of paper based records, documentation and backup data containing all confidential information in secured and locked containers or filing system, separately from all other records;
- (g) adopting adequate procedure to ensure that the records could be accessed only by authorized persons on need to know basis;
- (h) providing details of creation of firewalls and stress testing of systems through ethical hacking to evaluate and ensure its robustness;
- (i) protecting systems against obsolescence;
- (j) adopting procedure for change of software and hardware ;
- (k) providing for disaster recovery and management plan; and
- (l) taking necessary steps while handing over systems for maintenance to prevent unauthorized access or loss of data, information and credit information maintained by them.

CHAPTER IV

STEPS AND SECURITY SAFEGUARDS TO BE TAKEN BY CREDIT INFORMATION COMPANIES AND SPECIFIED USERS FOR ENSURING ACCURACY, COMPLETENESS AND PROTECTION OF DATA

24. Formulation and adoption of the procedure by credit information companies. - (1) Every credit information company, in existence on the commencement of these rules within three months of the commencement of these rules, and every credit information company to whom a certificate of registration has been granted, after the commencement of these rules within three months of such grant, shall take such requisite steps, as it may deem necessary, in relation to their operations and accordingly formulate policy and procedure

duly approved by their Board of Directors and adopt the same with respect to the following operations, namely:-

- (a) collection, processing and collating of data, information and credit information relating to their borrower, or client, obtained and received by them from a member credit institution or credit information company, as the case may be;
- (b) steps to be taken for ensuring security and protection of such data, information and the credit information maintained by them;
- (c) appropriate and necessary steps for maintaining an accurate, complete and updated data, information and credit information, in respect of their borrower, or client, and to ensure the accuracy and completeness thereof while furnishing the same to a specified user or making disclosure thereof to anyone else, in accordance with the provisions of the Act; and
- (d) transmitting data, information and credit information through secured medium.

(2) Without prejudice to the generality of the policy as formulated and procedure as adopted under sub-rule (1), every credit information company shall include in its such policy and procedure, the following, namely:-

- (a) it would have tested and documented internal system for evidencing robust matching levels which may in case of need be used also to provide requisite evidence and necessary examples to the Reserve Bank;
- (b) the procedure and parameters for verifying and providing certificate to the effect that the entire data, information and credit information, obtained and received by them, from a member credit institution, a credit information company, or from any other permissible source, as the case may be, in respect of their borrower, or client, has been collated without any distortion thereof and such data, information and credit information maintained by them is accurate, updated and complete with reference to the date of such certification by the credit institution, or the credit information company, by whom such data, information and credit information has been provided;

(c) the procedure for making a notation in such data, information and credit information obtained and received by them from a member credit institution, or from any other permissible source, as the case may be and maintained by them in respect of their borrower or client which is not updated on the date of carrying out necessary verification and certification as per clause (b) with reference to the date up to which the same was certified by credit institution or the credit information company to be accurate, updated and complete.

25. Accuracy of data provided by a credit information company.-

(1) Every credit information company shall adopt appropriate procedure with the approval of the Reserve Bank-

(a) for verifying the data, information or credit information maintained by them on the basis of the information obtained by them from credit institution or credit information company, as the case may be; and

(b) to ensure, before furnishing data, information or credit information to a specified user or making disclosure thereof to anyone else in accordance with the Act, that such data, information or credit information maintained by them is accurate, complete and updated with reference to the date mentioned therein by the respective credit institution or credit information company, as the case may be.

(2) If, for any reason beyond control, it is not possible for any credit information company to furnish complete and updated data, information or credit information, as per sub-rule (1), the credit information company shall make a remark with reference to the date up to which its accuracy and completeness has been verified and found to be correct.

(3) Subject to the provisions of sub-sections (2) and (3) of section 21 of the Act, in respect of alteration and updating of credit information on request of a borrower in accordance with said provisions, if a credit information company after furnishing the data, information or credit information to a specified user or making disclosure thereof to anyone else, in accordance with the Act, discovers of its own, or is informed about any inaccuracy, error or discrepancy in respect of the data, information or credit information, the credit information company shall, -

- (a) latest by seventh day, send the intimation to the specified user or the individual, as the case may be, of such inaccuracy, error or discrepancy;
- (b) take immediate steps to correct such inaccuracy, error or discrepancy; and
- (c) forward the corrected particulars of the data, information or credit information to the specified user or the individual, as the case may be, within a period of thirty days from the date when the credit information company had discovered or was informed of such inaccuracy, error or discrepancy.

(4) If, for any reason beyond control, it is not possible for the credit information company to furnish corrected information as per sub-rule (3), the credit information company shall inform the specified user or the individual, as the case may be, of the steps taken by it at their end for correction of such inaccuracy, error or discrepancy and also the reasons for its inability to comply with the provisions of sub-rule (3);

(5) Any credit information company failing to take steps as per sub-rule (3), without any sufficient reason for its inability to comply with the said provisions, shall be liable for contravention of the provisions of the Act.

26. Disclosure of disputed data by a credit information company. – If, in the opinion of a credit information company, correction of any inaccuracy, error or discrepancy referred to in rule 20, is likely to take further time on account of any dispute raised by a borrower in respect thereof with the credit institution or before a court of law, or any forum, or tribunal or any other authority, in such cases the credit information company shall adopt the following course of action, namely:-

- (a) if the disputed data, information or credit information has not been furnished, in such event while furnishing such data, information or credit information to a specified user or making disclosure thereof to anyone else, in accordance with the Act, the credit information company shall include an appropriate remark to reflect the nature of the inaccuracy, error or discrepancy found therein and pendency of the dispute in respect thereof and in any subsequent disclosure of such disputed data, information

or credit information, the credit information company shall disclose such remark;

(b) in case such data, information or credit information has already been furnished to a specified user or disclosed to anyone else, the credit information company shall inform the specified user or the individual, as the case may be, to include remark of such inaccuracy, error or discrepancy therein and the pending dispute in respect thereof; and

(c) the entries in books of the concerned credit institution shall be taken into account for the purposes of credit information relating to such borrower as provided under the provisions of second proviso to sub-section (3) of section 21 of the Act.

27. Formulation and adoption of the procedure by specified user.— (1) Every specified user, in existence on the commencement of these rules within three months of such commencement, and every specified user, coming into existence after the commencement of these rules within three months of its becoming member of a credit information company, shall take such requisite steps as it may deem necessary for ensuring and verifying the accuracy and completeness of data, information or credit information received from a credit information company before using the same in relation to a borrower, or a client, in relation to their operations and to ensure protection thereof from unauthorised access, or use and formulate and adopt an appropriate policy and procedure in this behalf with the approval of their Board of Directors.

(2) Without prejudice to the generality of the policy as formulated and procedure as adopted under sub-rule (1), every specified user shall include in such policy and procedure, the provisions relating to the following, namely:—

- (a) the level of officers to be authorised to access the data, information and credit information received from a credit information company;
- (b) the parameters to be adopted for satisfying itself about the identity of the respective borrower, or the client whose credit report is to be taken into account by the specified user;
- (c) the appropriate measures so as to ensure that they do not fail to take note of any remark included by a credit information company in respect of any credit information; and

(d) procedure relating to receiving data, information and credit information through secured medium.

CHAPTER V

PROHIBITION FROM UNAUTHORISED ACCESS OR USE OR DISCLOSURE

28. Prohibition from unauthorized access or use or disclosure.-

(1) Every credit institution, credit information company, and specified user, existing before the commencement of these rules within three months of such commencement and every credit institution, credit information company or specified user coming into existence after the commencement of these rules within three months of commencement of their business, shall take such steps as they may deem necessary to ensure that the data, information and the credit information maintained by them is duly protected against any unauthorized access or use and formulate and adopt an appropriate policy and procedure in this behalf with the approval of their Board of Directors.

(2) Without prejudice to the generality of the policy and procedure, as formulated and adopted under sub-rule (1), every credit institution, credit information company, and specified user shall include such other aspects in such policy and procedure so as to -

- (i) secure the confidentiality of the data, information and credit information maintained by them;
- (ii) ensure that access to the data, information and credit information maintained by them is permitted only to such of their managers or employees or designated officers, who are duly authorised for the purpose on a need to know basis;
- (iii) ensure and control, access to the data, information and credit information, terminals, and networks, maintained by them, by means of physical barriers including biometric access control and logical barriers by way of passwords and to ensure that the passwords used in this behalf are not shared by anyone else than who is authorised in

this behalf and the passwords are changed frequently on irregular intervals;

(iv) ensure that the best practices in relation to the deletion and disposal of data, especially where records or discs are to be disposed of off-site or by external contractors are followed;

(v) ensure that the system adopted for the purpose is sufficiently adequate to protect against any unauthorized modification or deletion of the data, information or credit information maintained by them;

(vi) ensure maintenance of log made for accessing to data, information or credit information maintained by them including -

(a) the data relating to identity of all such persons whosoever had accessed or attempted to access the data information or credit information maintained by them and the date and time of such access, the identity of the borrower whose data or credit information were so accessed; and

(b) the provision relating to preservation of the records and entries pertaining to such log for minimum period of two years and to ensure that the same is available for examination by auditors, or the officials of the Reserve Bank authorised in this behalf, as the case may be.;

(vii) ensure the maintenance and review of records and entries of log, on a regular and frequent basis to detect and investigate any unusual or irregular patterns of use of or access to data including creation of the audit trails and verification thereof;

(viii) provide the guidelines for the use and access of information systems by external contractors; and

(ix) protection against pilferage of information while passing through the public and private networks.;

CHAPTER VI

FIDELITY AND SECRECY

29. Obligation for fidelity and secrecy.—(1) Every credit information company or credit institution or specified user, in possession or control of data, information and credit information shall adopt all reasonable procedure to ensure that their managers, officers, employees are obliged to fidelity and secrecy in respect of credit information under their control or to which they have access.

(2) Every credit information company or credit institution or specified user, existing before the commencement of these rules shall within three months of such commencement of these rules and every credit institution or credit information company or specified user within three months of commencement of their business after coming into force of the rules shall, formulate the policy and procedure duly approved by its Board of Directors specifying therein the steps to be taken by them to ensure compliance of the fidelity and secrecy obligation by their managers, officers, employees with respect to data, information and credit information under their control.

(3) Without prejudice to the generality of the policy and procedure as adopted under sub-rule (2), such policy and procedure shall also include therein the appropriate provisions relating to—

- (a) the requirement that their employees, authorized personnel, agents, contractors and other persons who deal with or have right to access data, information and credit information comply with confidentiality obligation and sign covenants with them; and
- (b) the requirement that every chairperson, director, auditor, advisor, officer or other employee of a credit information company, before entering upon his duties makes a declaration in Form I II for complying with such fidelity and secrecy obligation.

[F. No. 7/67/2005-BOA (ii)]

AMITABH VERMA, Jt. Secy.

SCHEDULE**FORM I**

(See rule 4)

**APPEAL UNDER SECTION 7 OF THE ACT AGAINST REJECTION OF
APPLICATION FOR GRANT OF CERTIFICATE OF REGISTRATION/
CANCELLATION OF CERTIFICATE OF REGISTRATION****For use in secretariat of the appellate authority**(a) Date of presentation of the appeal
(before the appellate authority):-.....**OR**(b) Date of receipt of the appeal by post.....
(in secretariat of the appellate authority)Registration No.....
[given by the secretariat of the
appellate authority as per rule 10(2)]

(Signature of authorized officer of the appellate authority)

BEFORE THE APPELLATE AUTHORITY.....
.....**BETWEEN**A B (Credit Information Company)APPELLANT
RESEVE BANK OF INDIARESPONDENT
AND**Details of appeal:**

1. Particulars of the appellant company:
 - (i) Name:
 - (ii) Name of the agent

(iii) Address for service of all notices

2. Particulars of the respondent -
(i) Name and/or designation of the respondent
(ii) Office address of the respondent
(iii) Address for service of all notices

3. Particulars of the impugned order:
The application is against the following order:
(i) Order No/ dated:.....
(ii) Passed by:.....
(iii) Date of receipt of communication:
(of the impugned order)
(iv) Subject in brief:.....

4. Limitation –
The appellant further declares that the appeal against the impugned order is within the limitation as per section 7 of the Act read with rule 4.

5. Fact of the case -
The facts of the case are given below –
(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue, fact or otherwise).

6. Relief(s) sought –
In view of the facts mentioned in para 5 above, the appellant prays for the following relief(s) –
[Specify the relief(s) sought explaining the ground for the relief(s) and the legal provisions (if any) relied upon].

7. Interim order, if prayed for;
Pending final decision on the application, the applicant seeks issue of the following interim order –
(Give here the nature of the interim order prayed for with reasons).

8. Details of the remedies exhausted -
The appellant declares that he has availed of all the remedies available to him under the Act.

(Give here chronologically the details of representations made and the outcome of such representation).

9. Matter not pending with any other court, etc. -

The appellant further declares that the matter regarding which this appeal has been made is not pending before any court of law or any other authority or has not been rejected by any court of law or other authority.

10. Details of Index -

An index in duplicate containing the details of the documents to be relied upon is enclosed.

11. List of enclosures -

- (a)
- (b)
- (c)
- (d)
- (e)

Verification

1, (name of the authorized officer/agent or counsel of the appellant company), S/o, age..... working as
..... do

hereby verify that the contents of serial nos. 1 to 11 are true to my personal knowledge and belief based on official records and that I have not suppressed or concealed any material facts.

Signature

(agent of the appellant)

Place :

Date :

RECEIPT SLIP

This is to acknowledge the receipt of the appeal filed / received by post today on..... day of....., the year..... before the appellate authority by

Shri/Smt..... working as in the office of residing at

Signature

(of the designated officer
of the appellate authority)

Date:

Place:

(c) Issuer of the card -----
 (d) Particulars of Insurance Policy. -----
 (e) Insurer Company -----

12. E-mail address of the borrower -----

13. Web URL address (if any) of the borrower -----

14. Documents submitted by the borrower as proof of his address - (any of the following)

(i) Passport details
 (a) Passport No. -----
 (b) Passport issuing authority -----
 (c) Passport expiry date (dd/mm/yyyy) -----
 (ii) Voter's identity card No. -----
 (iii) Income-tax PAN No. -----

15. For Company/Firm/Body of Individuals/Association of Persons/Local Authority;

(a) Registration Number -----
 (b) Date of incorporation/agreement/partnership -----
 (c) Head office ----- Name of the office -----
 Flat/Door/Block No. ----- Name of
 Premises/Building/Village ----- Road/Street/Lane/Post
 Office ----- Area/Locality/Taluka/Sub-division -----
 ----- Town/City/district ----- Pin -----
 - State/Union territory ----- Telephone No. -----
 Fax -----

16. Web page URL address, if any -----

17. No. of branches -----

18. Nature of Business -----

19. Income-tax PAN No. -----

20. Turnover in the last financial year Rs.. -----

21. Net worth* Rs. -----

22. Paid up capital Rs. -----

23. Particulars of Insurance Policy
 Insurer company -----

24. Names, Addresses etc. of partners/Members/Directors -----

(a) Details of Partners / Members / Directors

(i) Full Name..... LastName/Surname
 First Name , Middle Name

(ii) Address Flat/Door/Block No. Name of Premises/Building /Village
 Road/Street/Lane/Post Office.....
 Area/Locality/Taluka/Sub-Division

Town/City/District.
 State/Union Territory Pin

Telephone No.
 Fax No.
 Mobile Phone No.

25. E-mail address

26. Name of the authorized representative

.....

Address :- Flat/ Door/Block No.
 Name of Premises/Building/ village

Road/Street/Lane/Post Office

Area/Locality/Taluka/Sub-Division

Town/City/ District Pin State/Union Territory

Telephone No. Fax

Nature of business

27. Bank account Details;

Name of the bank branch
 Bank account No.
 Type of bank account

28. Any other information

Part II

*(Applicable to Individuals /Company/ Firm/
 Body of Individuals/Association of Persons/Local Authority)*

29. Particulars of the credit facilities granted or to be granted by a credit institution to the borrower:-

- (a) Nature of each funded credit facility and the amount sanctioned or to be sanctioned thereunder;
- (b) Date of disbursement of the amount against each facility;
- (c) Number of installments pertaining to principal and interest and amount, the due date/s of payment and the actual date of payment;
- (d) Total amount of outstanding dues against the borrower as on the date of reporting of credit information;
- (e) Nature of each non-funded facility and the amount sanctioned or to be sanctioned thereunder;
- (f) Amount involved in every non-funded facility availed of by the borrower;

- (g) Conversion of non-funded facilities into funded facilities on account of non-fulfillment of commitment made thereunder;
- (h) In case the facility is revolving in nature, history of meeting the obligations on due date of payment.

30. Information relating to the guarantor or the person who has given or proposes to give guarantee or security for a borrower of a credit institution including;

- (a) Name, full address including State and Pin Code, telephone number, date of birth / date of incorporation, PAN of the guarantor;
- (b) father's name
- (c) the amount guaranteed or to be guaranteed; and
- (d) the amount of guarantee invoked in respect whereof default has been committed by the guarantor, if any.

FORM III

[See sub-rule (3) of rule 29]

DECLARATION OF FIDELITY AND SECRECY

I, _____ do solemnly swear and declare that on becoming the Chairperson, director, auditor, adviser, officer, employee or agent of _____ (Name of the Credit Information Company), I will faithfully perform the duties of Chairperson, director, auditor, adviser, officer, employee or agent and that I shall not directly or indirectly communicate or divulge any of the matters or any information relating to the affairs of _____ (Name of the Credit Information Company) its members and/or their clients and/or their respective affairs including without limitation trade secrets, know-how, technology and such other confidential information of the company which may come to my knowledge in the discharge of my duties as such chairperson, director, auditor, adviser, officer, employee or agent except to the extent that any such information shall be or become part of the public domain or when required or authorised by the Board of the _____ (Name of the Credit Information Company) or in circumstances in which it is, in accordance with law or practices and usages or, as the case may be, necessary or appropriate for me to divulge such information. I will observe strict secrecy with respect to all transactions of the company and all matters relating thereto and my obligation of fidelity and secrecy to the company will continue even after my cessation of relationship with the company. I will not allow any person to inspect or have access to any books or documents or computer system, diskettes belonging to or in the possession of the _____ (Name of Credit Information Company) and relating to its business unless such person is legally entitled to such inspection or access.

Signature: _____

(Name and designation of the person
Signing the declaration)

Place: _____

Date: _____

अधिसूचना

नई दिल्ली, 14 दिसम्बर, 2006

सा.का.नि. 754(अ).—भारतीय रिजर्व बैंक, प्रत्यय विषयक जानकारी कंपनी (विनियम) अधिनियम, 2005 (2005 का 30) की धारा 37 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित विनियम बनाता है, अर्थात् :—

अध्याय 1

प्रारंभिक

1. संक्षिप्त नाम और प्रारंभ .-(1) इस विनियम का संक्षिप्त नाम प्रत्यय विषयक जानकारी कंपनी विनियम, 2006 है।
(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. परिभाषा।—(1) इन विनियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो—
(क) “अधिनियम” से प्रत्यय विषयक जानकारी कंपनी (विनियम) अधिनियम, 2005 (2005 का 30) अभिप्रेत है ;
(ख) “संग्रहकर्ता” से यथास्थिति, कोई प्रत्यय संस्था या कोई प्रत्यय विषयक जानकारी कंपनी या यथास्थिति कोई विनिर्दिष्ट संग्रहकर्ता अभिप्रेत है जो डाटा, जानकारी या किसी उधार लेने वाले, या किसी ग्राहक के संबंध में प्रत्यय विषयक जानकारी संग्रह करता है ;
(ग) “वस्तु एक्सचेंज” से वस्तुओं के वायदा व्यापार को संचालित करने के लिए, जिसके लिए अग्रिम संविदा (विनियम) अधिनियम, 1952 (1952 का 74) के अधीन स्थापित अग्रिम बाजार आयोग द्वारा मंजूर की गई अनुज्ञापि के लिए कोई संगम या कोई कंपनी या कोई अन्य निगमित निकाय अभिप्रेत है ;
(घ) “डाटा प्रबंध सेवा” से संग्रह करने, संग्रह संचय करने, संग्रह पुनः प्राप्त करने के लिए युक्ति प्रणाली, संग्रह करने समानुक्रम करना, विश्लेषण करना और वितरण करने, प्रकाशन करने, डाटा का प्रचार प्रसार, जानकारी और किसी प्रत्यय विषयक जानकारी कंपनी के द्वारा उसके अन्य निवेश को उसके सदस्यों और विनिर्दिष्ट उपयोक्ताओं को उपलब्ध कराने वाली सेवा अभिप्रेत है ;

(ड) “प्रस्तु” इन विनियमों की अनुसूची से उपावद्ध प्ररूप अभिप्रेत है ;

(च) “फीस” से यथास्थिति, किसी प्रत्यय संस्था या किसी प्रत्यय विषयक जानकारी कंपनी द्वारा किसी प्रत्यय विषयक जानकारी कंपनी को सदस्यता फीस या वार्षिक फीस के रूप में संदेय ऐसी रकम अभिप्रेत है ;

(छ) “सरकारी प्रतिभूतियां” से केन्द्रीय सरकार या राज्य सरकार द्वारा सूजित और जारी कोई प्रत्याभूति जो लोक ऋण अधिनियम, 1944 (1944 का 18) में विनिर्दिष्ट प्ररूप में किसी लोक ऋण के प्रयोजन के लिए उत्पन्न की गई है और प्रतिभूति संविदा (विनियमन) अधिनियम, 1956 (1956 का 42) में प्रतिभूति के रूप में परिभाषित सरकारी प्रतिभूतियां अभिप्रेत हैं ;

(ज) “बीमा विनियमक और विकास प्राधिकरण” से बीमा विनियमन और विकास प्राधिकरण अधिनियम, 1999 (1999 का 41) की धारा 3 के अधीन स्थापित बीमा विनियमक और विकास प्राधिकरण अभिप्रेत है ;

(झ) “प्रतिभूतियां” से प्रतिभूति संविदा (विनियमन) अधिनियम, 1956 (1956 का 42) की धारा 2 के खंड (ज) में यथापरिभाषित प्रतिभूतियां अभिप्रेत हैं ;

(ज) “भारतीय प्रतिभूति और विनियमन बोर्ड” से भारतीय प्रतिभूति और विनियमन बोर्ड अधिनियम, 1992 (1992 का 15) की धारा 3 के अधीन स्थापित भारतीय प्रत्याभूति और विनियमन बोर्ड अभिप्रेत है ;

(ट) “भारतीय दूरसंचार विनियमक प्राधिकरण” से भारतीय दूरसंचार विनियमक प्राधिकरण अधिनियम, 1997 (1997 का 24) की धारा 3 के अधीन स्थापित भारतीय दूरसंचार विनियमक प्राधिकरण अभिप्रेत है ;

(ठ) “व्यापारिक सदस्य” से अभिप्रेत है और जिसके अंतर्गत कोई सदस्य, कोई दलाल या कोई स्टाक दलाल, जो राष्ट्रीय स्टाक एक्सचेंज या बम्बई स्टाक एक्सचेंज द्वारा ऐसे रूप में स्वीकार है और जो भारतीय प्रतिभूति और विनियम बोर्ड से स्टाक दलाल के रूप में रजिस्ट्रीकरण प्रमाणपत्र रखता है, भी है ।

(2) उन शब्दों और पदों के जो इसमें प्रयुक्त हैं और इन विनियमों में परिभाषित नहीं हैं किंतु अधिनियम में या नियमों में परिभाषित हैं, वही अर्थ होंगे जो अधिनियम या नियमों में हैं ।

अध्याय 2

विनिर्दिष्ट उपयोक्ता

3. अधिनियम की धारा 2 के खंड (ठ) में यथाउपबंधित विनिर्दिष्ट उपयोक्ताओं के साथ-साथ निम्नलिखित कंपनियां भी विनिर्दिष्ट उपयोक्ता के रूप में समझी जाएंगी, अर्थात् :-

(क) बीमा अधिनियम, 1938 (1938 का 4) में यथा परिभाषित बीमा विनियमन और विकास प्राधिकरण से रजिस्ट्रीकृत कोई बीमा कंपनी ;

(ख) कोई कंपनी जो सैलुलर या फोन सेवाएं उपलब्ध कराती हो और भारतीय दूरसंचार विनियमन प्राधिकरण से रजिस्ट्रीकृत हो ;

(ग) कोई प्रत्यय रेटिंग अधिकरण जो भारतीय प्रतिभूति और विनियमन बोर्ड से रजिस्ट्रीकृत हो ;

- (घ) कोई स्टाक दलाल जो भा रतीय प्रतिभूति और विनिमय बोर्ड (स्टाक दलाल और उपदलाल) विनियमन, 1992 में यथा परिभाषित और भारतीय प्रतिभूति और विनिमय अधिनियम, 1992 (1992 का 15) की धारा 12 के अधीन रजिस्ट्रीकृत हो ;
- (ज) कोई व्यापारिक सदस्य जो किसी मान्यताप्राप्त वस्तु एक्सचेंज से रजिस्ट्रीकृत हो ;
- (च) भारतीय प्रतिभूति विनिमय बोर्ड ; और
- (छ) बीमा विनियामक और विव गस प्राधिकरण ।

अध्याय 3

प्रत्यय विषयक जानकारी कंपनी के रूप में कंपनियों का रजिस्ट्रीकरण

4. रजिस्ट्रीकरण प्रमाणपत्र मंजूर २ फरने के लिए कंपनियों द्वारा आवेदन का दिया जाना।— अधिनियम की धारा 4 के अधीन रजिस्ट्रीकरण प्रमाणपत्र में जूर करने के लिए किसी कंपनी द्वारा प्रत्येक आवेदन प्ररूप क में मुख्य महाप्रबंधक, प्रभारी, बैंकिंग प्रचालन और विकास विभाग, रिजर्व बैंक, केन्द्रीय कार्यालय भवन, मुंबई-400001 या रिजर्व बैंक के ऐसे कार्यालय और अधिकारी को, जो इस निमित्त विनिर्दिष्ट किया जाए, करेगा।

5. रजिस्ट्रीकरण प्रमाणपत्र को मंजूर करना - (1) यदि रिजर्व बैंक का किसी आवेदन कंपनी द्वारा दी गई विशिष्टयों का विचार करने पर यह समाधान हो जाता है कि अधिनियम की धारा 5 की उपधारा (1) में यथाविनिर्दिष्ट शर्तों को साधारणतया पूरा करती है और कंपनी इस स्थिति में है कि शेष शर्तों को भी पूरा करेगी-

- (क) ऐसी आवेदक कंपनी को 'सिद्धांततः अनुमोदन' और ऐसी कंपनी को उसमें अंतर्वलित शर्तों को पूरा करने के लिए समय देगी जो तीन मास से अधिक नहीं होगा ; और
- (ख) किसी विशिष्टतया नामले में रिजर्व बैंक ऐसे अतिरिक्त समय का विस्तार मंजूर कर सकेगी जहां समय के भीतर ऐसी शर्तों को पूरा करने में कंपनी की असफलता के कारण के संबंध में उसका समाधान हो जाता है 'सिद्धांततः अनुमोदन' में नियत शर्तों को पूरा करने के प्रयोजन के लिए उसे इस प्रकार उपलब्ध कराएगा ; और

(2) रिजर्व बैंक, यह समाधान हो जाने के पश्चात् कि अधिनियम की धारा 5 की उपधारा (2) और उपविनियम (1) के अनुसार ऐसी शर्तें, जो पूरी हो गई हों, आवेदक कंपनी प्रारंभ करने और ऐसी अन्य शर्तों को लगाते हुए, जो वह उचित समझे, प्ररूप 'ख' में रजिस्ट्रीकरण प्रमाणपत्र मंजूर कर सकेगा।

अध्याय 4

प्रत्यय विषयक जानकारी कंपनियों का कारबार

6. कारबार का प्ररूप जिसे प्रत्यय विषयक जानकारी कंपनियां कर सकेंगी - प्रत्यय विषयक जानकारी कंपनी कारबार के साथ-साथ इन विनियमों में विनिर्दिष्ट ऐसी शर्तों के अधीन प्रत्यय विषयक जानकारी कंपनियां कारबार के निम्नलिखित प्ररूप में कर सकेंगी, अर्थात् :-

- (क) किसी व्यक्ति को अपने स्वयं की प्रत्यय विषयक जानकारी उपलब्ध कराना ;
- (ख) अपने सदस्य प्रत्यक्ष संस्थाओं को डाटा प्रबंध सेवाएं उपलब्ध कराना ;
- (ग) प्रत्यय संस्थाओं को बंधक संपत्तियों के संबंध में संग्रहण करना, प्रसंस्करण करना, समाकलन करना और डाटा समाकलन करना ;
- (घ) इसके सदस्यों प्रत्यय विषयक संस्थाओं को प्रतिभूतियों में सरकारी प्रतिभूतियों से भिन्न किए गए निवेश के संबंध में, संग्रहण करना, प्रसंस्करण करना, समाकलन करना और डाटा समाकलन करना ;

(ङ) प्रत्यय संस्थाओं के उधार लेने वालों के खाते में कपट करने से संबंधित संग्रहण, समाकलन और डाटा संग्रहण करना और विनिर्दिष्ट उपयोक्ताओं और उसके सदस्यों को धनशोधन करने और विस्तार करना ।

अध्याय 5

प्रत्यय विषयक जानकारी का संग्रहण और प्रस्तुत किया जाना और उसका प्रयोजन

7. प्रत्यय विषयक जानकारी के संग्रहण और प्रस्तुत किए जाने के लिए सूचना का प्ररूप- (1) अधिनियम की धारा 17 की उपधारा (1) के अधीन कोई प्रत्यय विषयक जानकारी कंपनी या उस निमित्त कंपनी द्वारा प्राधिकृत कोई व्यक्ति, अपनी सदस्य, यथास्थिति, प्रत्यय संस्था या प्रत्यय विषयक जानकारी कंपनी से प्रत्यय विषयक जानकारी के संग्रहण के लिए प्ररूप ग या उसके निकटतम रूप में भेजने के लिए सूचना जारी करेगा ।

(2) प्रत्येक प्रत्यय विषयक जानकारी कंपनी, प्रत्यय विषयक जानकारी संग्रहण के लिए रिजर्व बैंक के अनुमोदन से रूप विधान स्वीकार करेगी और यथास्थिति, प्रत्यय विषयक संस्थाओं या प्रत्यय विषयक जानकारी कंपनी को जो उसके सदस्य है, को प्रत्यय विषयक जानकारी देने के लिए उन्हें प्ररूप ग में सूचना के साथ रूप विधान भेजेगी ।

(3) ऐसी सूचना और रूप विधान के प्राप्त होने पर, प्रेषिती यथास्थिति, प्रत्यय संस्था या प्रत्यय विषयक जानकारी कंपनी द्वारा जारी सूचना के साथ प्राप्त रूप विधान में प्रत्यय विषयक जानकारी भेजेगा ।

8. प्रत्यय विषयक जानकारी उपलब्ध कराने के लिए समय का विस्तार- (1) यथास्थिति, कोई प्रत्यय संस्था या प्रत्यय विषयक जानकारी कंपनी विनियम 7 के उपविनियम (1) के अनुसार नियत समय के भीतर किसी प्रत्यय विषयक जानकारी कंपनी सूचना द्वारा भेजी गई सूचना का अनुपालन किसी न्यायन कारण से करने में समर्थ नहीं है के मामले में, वह कोई उसके अनुपालन के लिए समय विस्तार के लिए संबद्ध प्रत्यय विषयक जानकारी कंपनी से संपर्क करेगा ।

(2) यदि संबद्ध प्रत्यय विषयक जानकारी कंपनी का, यथास्थिति, सदस्य प्रत्यय संस्था या सदस्य प्रत्यय विषयक जानकारी कंपनी द्वारा किए गए कारणों से समाधान नहीं होता है तो ऐसी प्रत्यय विषयक जानकारी कंपनी के मामले में विनियम (7) के उपविनियम (1) के अनुसार ऐसी प्रत्यय विषयक जानकारी कंपनी द्वारा भेजी गई सूचना के अनुपालन में असमर्थ रहने के लिए मामले को रिजर्व बैंक को निर्देशित करेगा और रिजर्व बैंक का संबंध में विनिश्चय अंतिम होगा ।

9. प्रत्यय विषयक जानकारी का अनुज्ञेय उपयोग किया जाना- (1) प्रत्येक प्रत्यय विषयक जानकारी कंपनी द्वारा उपलब्ध प्रत्यय विषयक जानकारी को अधिनियम की धारा 17 की उपधारा (3) के अनुसार किसी विनिर्दिष्ट उपयोक्ता निम्नलिखित प्रयोजनों के लिए उपलब्ध कराएगी, अर्थात् :-

- (क) प्रभावी प्रत्यय विनिश्चय को करने में ;
- (ख) समवर्ती उधारकर्ताओं और क्रमिक व्यतिक्रमियों का अवधारण करना ;
- (ग) ग्राहकों के विपरीत चयन को न्यूनतम रखना ;
- (घ) अपने ग्राहकों के जोखिम का पुनर्विलोकन और मूल्यांकन करना ;
- (ङ) अपने कानूनी या विनियामक कृत्यों का प्रभावी निर्वहन करना ;
- (च) किसी प्रत्यय वेटिंग अभिकरण के रूप में कृत्यों का प्रभावी निर्वहन करने में ;

(छ) साधारणतः प्रत्यय के संबंध में या प्रत्यय विनिश्चयों के प्रयोजनों के लिए, या प्रत्यय विषयक संबंधी और उस प्रयोजन के लिए या यथास्थिति, किसी उधारकर्ता या किसी ग्राहक की प्रत्यय योग्यता का निर्णय करने के लिए;

(ज) कोई व्यक्ति जो किसी अन्य व्यक्ति द्वारा संदाय किए जाने वाले किसी विनिमय पत्र, किस्त के भुगतान के लिए दायित्व स्वीकार करता है, यथास्थिति जिसने नई प्रत्यय प्रसुविधा प्राप्त करने के लिए विनिर्दिष्ट उपयोक्ता के लिए आवेदन किया है, या विनिर्दिष्ट उपयोक्ता द्वारा वर्तमान में उसे प्रत्येक सुविधाएं प्रदत्त की है, पुनर्विलोकन या नवीकरण या वृद्धि या उसके विस्तार करने के लिए पर कोई प्रत्यय विनिश्चय लेने के लिए;

(झ) कोई व्यक्ति जो किसी वचनपत्र, जो किसी अन्य व्यक्ति के पक्ष में है, का दायित्व स्वीकार करता है, उसने नई प्रत्यय सुविधा के लिए किसी विनिर्दिष्ट उपयोक्ता को आवेदन करता है या किसी विनिर्दिष्ट उपयोक्ता द्वारा उसे प्रदान की गई विद्यमान प्रत्यय प्रसुविधा के पुनर्विलोकन या नवीकरण या वृद्धि या उसके विस्तार के संबंध में विनिश्चय करने के लिए;

(ञ) कोई व्यक्ति जो किसी अन्य व्यक्ति के लिए प्रत्याभूतिदाता के रूप में कार्य के प्रयोजन को उपलब्ध नई प्रत्यय सुविधा के लिए किसी विनिर्दिष्ट उपयोक्ता को आवेदन करता हैं या विनिर्दिष्ट उपयोक्ता द्वारा उसे प्रदत्त की गई विद्यमान प्रत्यय प्रसुविधा का, यथास्थिति, पुनर्विलोकन या नवीकरण या वृद्धि या उसके विस्तार के संबंध में विनिश्चय करने के लिए ;

ट) किसी व्यक्ति को उसकी स्वयं की प्रत्यय सूचनाएं जानने के लिए सक्षम बनाने को ।

अध्याय 6

एकातंत्रा सिद्धांत

10. प्रत्येक प्रत्यय विषयक जानकारी कंपनी, प्रत्यय संस्था और विनिर्दिष्ट उपयोक्ता अधिनियम की धारा 20 में यथाउपबंधित सिद्धांतों और प्रक्रियाओं के साथ-साथ, अपने कृत्यों के संबंध में निम्नलिखित एकातंत्रा सिद्धांतों को अपनाएंगे, अर्थात् :-

(क) प्रत्यय विषयक जानकारी के संग्रहण की देखरेख :

(i) प्रत्येक प्रत्यय विषयक जानकारी कंपनी भी उसके द्वारा प्राप्त या संगृहीत जानकारी के संबंध में सभी ऐसी सावधानियां रखेगी जो यह सुनिश्चित करें कि ऐसी सूचना को -

(अ) उचित और शुद्धता अभिलेखित, संगृहीत और प्रसंस्कृतीय है ; और
(आ) क्षति, अनाधिककृत पहुंच, उपयोग, उपांतरण या उसके प्रकटन से संरक्षण करना है ।

(ii) प्रत्येक प्रत्यय संस्था -

(अ) प्रत्यय संस्था या प्रत्यय विषयक जानकारी कंपनी के मध्य पारस्परिक संहमति के किसी मासिक आधार पर या ऐसे संक्षिप्त अंतरालों पर नियमित रूप से अद्यतन करेगी ; और

(आ) ऐसे सभी उपाय करेगी जो यह सुनिश्चित करने के लिए आवश्यक हो कि उसके द्वारा की गई जानकारी अद्यतन शुद्ध और पूर्ण है ।

(ख) प्रत्यय सूचना को पहुंच और उसका उपांतरण :

(i) प्रत्येक प्रत्यय विषयक जानकारी कंपनी -

(अ) किसी व्यक्ति को उसके अनुरोध पर उसकी अपनी प्रत्यय विषयक जानकारी और उसके समाधानप्रद पहचान के अधीन स्थापित और प्रकटन से संबंधित प्रक्रिया को स्थापित करेगी और स्वीकार करेगी ; और

(आ) ऐसे व्यक्ति को उसकी पहचान स्थापित करने के लिए युक्तियुक्त समय और अवसर देगी और प्रत्यय विषयक जानकारी कंपनी उसकी व्यक्तिगत हाजिरी के लिए यदि आवश्यक हो ; बुला सकेगी, और ऐसे अन्य दस्तावेजों की उपस्थिति जो उसकी पहचान के सबूत के लिए आवश्यक हो, पेश करेगा।

(ii) अधिनियम की धारा 21 की उपधारा (3) के अनुसार यथास्थिति किसी ग्राहक या किसी उधार लेने वाले से कोई अनुरोध के प्राप्त होने पर प्रत्येक विनिर्दिष्ट उपयोक्ता, उसकी प्रत्यय विषयक जानकारी को अद्यतन करने के लिए प्रत्यय विषयक जानकारी कंपनी को ऐसी सूचना देगा जिसे विनिर्दिष्ट उपयोक्ता को ऐसी प्रत्यय सूचना देना है ।

(iii) प्रत्येक प्रत्यय विषयक जानकारी कंपनी किसी विनिर्दिष्ट उपयोक्ता से ऐसी सूचना प्राप्त होने पर यथास्थिति, उधार लेने वाले या ग्राहक के द्वारा किए गए अनुरोध पर, प्रत्यय संस्था जिसने ऐसी प्रत्यय विषयक जानकारी कंपनी को ऐसी प्रत्यय विषयक जानकारी भेजेगा ।

(iv) प्रत्येक विनिर्दिष्ट उपयोक्ता, प्रत्यय विषयक जानकारी कंपनी और प्रत्यय संस्था, प्रत्यय विषयक जानकारी को अद्यतन करने के संबंध में त्वरित कार्रवाई करेगी और ऐसी सूचना को और उनके उचित समन्वयन के लिए यह सुनिश्चित करेगी कि अधिनियम की धारा 21 की उपधारा (3) के अधीन उपबंधित समय सीमा के भीतर इस निमित्त अपेक्षित कार्रवाई कर ली गई है ।

(ग) डाटा उपयोग की परिसीमा :

प्रकटन की बाध्यता.- प्रत्येक विनिर्दिष्ट उपयोक्ता किसी उधार लेने वाले या ग्राहक को प्रत्यय के किसी अन्य सेवा को देने से मना करने मामले में, उसकी प्रत्यय विषयक जानकारी रिपोर्ट के आधार पर तीस दिनों के भीतर ऐसा विनिश्चय करता है -

(अ) ऐसे उधार लेने वाले या ग्राहक को उसके नामंजूर करने की ऐसी लिखित जानकारी भेजेगा ;

(आ) ऐसी जानकारी में उसके नामंजूर करने के कारण विनिर्दिष्ट होंगे ;

(इ) ऐसे विनिश्चय के लिए अवलंब प्रत्यय विषयक जानकारी रिपोर्ट की एक कापी भी भेजेगा ;

(ई) यथास्थिति, उधार लेने वाले या ग्राहक को प्रत्यय विषयक जानकारी या रिपोर्ट जिसने उसे उपलब्ध कराया है, प्रत्यय विषयक जानकारी कंपनी का नाम और पता भी उपलब्ध कराएगा ।

(घ) प्रत्यय विषयक जानकारी के परिष्काण की अवधि :

(i) प्रत्येक प्रत्यय विषयक जानकारी कंपनी और प्रत्यय संस्था संगृहीत करेगा, अनुरक्षित करेगा और उनके द्वारा प्रसारित प्रत्यय विषयक जानकारी को न्यूनतम सात वर्ष की अवधि के लिए प्रतिधारित करेगा ;

(ii) प्रत्येक प्रत्यय विषयक जानकारी कंपनी और प्रत्यय संस्था रिजर्व बैंक द्वारा प्रत्यय विषयक जानकारी के संरक्षण या उसको नष्ट करने के संबंध में रिजर्व बैंक के अनुमोदन से उसके द्वारा मार्गदर्शक सिद्धांत या प्रक्रिया विनिश्चित की जाएगी ।

11. व्यक्तिगत डाटा के संबंध में सिद्धांत और प्रक्रियाएं - (1) यथास्थिति, प्रत्येक प्रत्यय संस्था और प्रत्यय विषयक जानकारी कंपनी और विनिर्दिष्ट उपयोक्ता की बाबत निम्नलिखित सिद्धांतों और प्रक्रियाओं को अपनाएगा -

- (क) व्यक्तिगत डाटा के संग्रहण की रीति और प्रयोजन ;
- (ख) संबद्ध व्यष्टि के संबंध में व्यक्तिगत डाटा की याचना ;
- (ग) उनके देनदारियों का विस्तार ; और
- (घ) व्यक्तिगत डाटा के संबंध में व्यष्टिकों की शिकायतों के निवारण ।

(2) व्यक्तिगत डाटा के संग्रहण की रीति और प्रयोजन - यथास्थिति, कोई प्रत्यय संस्था या प्रत्यय विषयक जानकारी कंपनी या विनिर्दिष्ट उपयोक्ता निम्नलिखित अपने कृत्यों से संबंधित प्रयोजनों के सिवाय व्यक्तिगत डाटा का संग्रहण, प्रकाशन या प्रकटीकरण नहीं करेगी :

- (क) अधिनियम के उपबंधों के अनुसार या उनके आनुषंगिक क्रियाकलापों या उनके ऐसे कृत्यों के संबंध में ; या
- (ख) किसी व्यष्टि के किसी नियोजक के रूप में उनकी धारिता और कृत्यों के संबंध में जो उनके नियोजन में हैं या रहे हैं ।

(3) किसी व्यष्टिक के लिए व्यक्तिगत डाटा की याचना : इन विनियम के अनुसार व्यक्तिगत डाटा के संग्रहण और उपयोग के भासले में, यथास्थिति, किसी प्रत्यय संस्था, प्रत्यय विषयक जानकारी कंपनी या कोई विनिर्दिष्ट उपयोक्ता द्वारा इन परिस्थितियों में यह सुनिश्चित करने के लिए ऐसे उपाय कर सकेगा ऐसे डाटा के संग्रहण से पहले या, यदि वह व्यवहार्य न हो, ऐसे डाटा के संग्रहण के पश्चात् यथाशीघ्र व्यवहार्य हो-

- (क) संबद्ध व्यष्टि को प्रयोजन की जानकारी देगा जिसके लिए ऐसे डाटा जिसको, यथास्थिति, संग्रहण, प्रकटन या उपयोग किया गया है ; और
- (ख) ऐसा डाटा जो उसके द्वारा संरक्षित रखा गया है का अनधिकृत उपयोग या उपयोग या उपातंरण या उसका प्रकटन के विरुद्ध संरक्षित है ।

(4) व्यक्तिगत डाटा के परिष्कण की अवधि - (i) प्रत्येक प्रत्यय विषयक जानकारी कंपनी और प्रत्यय संस्था उसके द्वारा संगृहीत, अनुरक्षित या प्रसारित व्यक्तिगत डाटा को न्यूनतम सात वर्ष की अवधि के लिए रखेगी ।

(ii) प्रत्येक प्रत्यय विषयक जानकारी कंपनी और प्रत्यय संस्था डाटा के परिष्कण और नष्ट करने के संबंध में रिजर्व बैंक के अनुमोदन से मार्गनिर्देशों का विकास करेगी और प्रक्रियाएं अपनाएगी ।

स्पष्टीकरण :- इस विनियम के प्रयोजन के लिए “व्यक्तिगत डाटा” से किसी व्यक्ति के संबंध में ऐसे अन्य डाटा अभिप्रेत है, जो किसी प्रत्यय संस्था या प्रत्यय विषयक जानकारी कंपनी या किसी विनिर्दिष्ट उपयोक्ता से भिन्न है, से इस अधिनियम के अधीन बनाए गए नियमों के उपबंधों के अनुसार संग्रहण करने को अनुज्ञात है ।

अध्याय 7

फीस की अधिकतम रकम

12.(1) प्रत्येक प्रत्यय विषयक जानकारी कंपनी वार्षिक फीस के मद में, ऐसी रकम प्रभार्य करने की हकदार होगी, जो वह उद्यित समझे, प्रत्यय संस्था या प्रत्यय विषयक जानकारी कंपनी से उनकी सदस्यता को स्वीकार करने के लिए फीस की मद में 15,00,000/- रु. से अधिक नहीं होगी ।

(2) प्रत्येक प्रत्यय विषयक जानकारी कंपनी वार्षिक फीस के मद में, ऐसी रकम प्रभार्य करने के लिए हकदार होगी जिसे वह उपयुक्त समझे, प्रत्यय विषयक जानकारी कंपनी की सदस्यता के मामले में 15,00,000/- रु और प्रत्यय विषयक जानकारी कंपनी के मामले में फीस 50,000/- रु. से अधिक नहीं होगी ।

(3) प्रत्येक विनिर्दिष्ट उपयोक्ता अधिनियम की धारा 21 की उपधारा (1) में निर्दिष्ट ऐसे व्यक्ति को प्रत्यय सूचना की प्रति जो 50/- रु. से अनधिक रकम के प्रभार्य हो, के अधीन देगा ।

(4) कोई प्रत्यय विषयक जानकारी कंपनी किसी व्यक्ति को उसकी अपनी प्रत्यय सूचना को उपलब्ध कराने के लिए ऐसी रकम, जो 100/- रु. से अनधिक नहीं होगी, प्रभार्य करेगा ।

(5) प्रत्येक प्रत्यय विषयक जानकारी कंपनी किसी विनिर्दिष्ट उपयोक्ता से ऐसी रकम प्रभार्य करने के लिए हकदार होगी, जिसे वह उपयुक्त समझे, जो व्यक्तिगत प्रत्यय विषयक जानकारी रिपोर्ट उपलब्ध कराने के लिए 500/- रु. और अन्य 5000/- रु. से अनधिक नहीं होगी ।

[फा. सं. 7/67/2005-बीओए (iii)]

अमिताभ वर्मा, संयुक्त सचिव

प्रस्तुप क

(विनियम 4 देखिए)

रजिस्ट्रीकरण प्रमाणपत्र की मंजूरी का आवेदन

प्रस्तुप को भरे जाने के लिए अनुदेश -

1. आवेदकों को समर्थित दस्तावेजों के साथ पूर्ण आवेदन प्रस्तुप में रिजर्व बैंक को प्रस्तुत किया जाना चाहिए ।
2. रजिस्ट्रीकरण के लिए आवेदन पर तभी विचार किया जाएगा, जब यह सभी प्रकार से पूर्ण हो ।
3. सूचना, जिन्हें अधिक विस्तार में दिए जाने की आवश्यकता है, उन्हें पृथक् पन्नों में दिया जाना चाहिए, उसे आवेदन प्रस्तुप के साथ संलग्न किया जाना चाहिए ।
4. आवेदन पर सभी हस्ताक्षर मूल रूप में होंगे ।
5. प्रस्तुप के प्रत्येक पृष्ठ के साथ-साथ प्रत्येक अतिरिक्त शीट को क्रमबद्ध रूप से संख्यांकित किया जाना चाहिए ।

1.0 आवेदक की विशिष्टियां

- 1.1 रजिस्ट्रीकृत कार्यालय का नाम, पता, कार्पोरेट कार्यालय का पता, पत्र व्यवहार का पता, टेलीफोन नं., फैक्स नं. और कंपनी के संबंधित व्यक्ति का नाम ।
- 1.2 आवेदक कंपनी के निगमन की तारीख (निगम का प्रमाणपत्र और ज्ञापन तथा संगम अनुच्छेद संलग्न करें)

निम्नलिखित विनिर्दिष्ट करें :-

- (क) आवेदक कंपनी के उद्देश्य
- (ख) प्राधिकृत, जारी, प्रतिश्रुत और समादत पूँजी

1.3 वह प्रवर्ग जिससे आवेदक कंपनी संबंधित हैं :

(क) कंपनी जो प्रत्यय सूचना के कारबार में पहले ही है ;

(ख) प्रत्यय सूचना के कारबार को प्रारंभ करने का प्रस्ताव करने वाली कंपनी ;

2.0 पात्रता मानदंड

संप्रवर्तकों के नाम और कंपनी में उनके शेयरधारण को उपदर्शित करें ।

3.0 निदेशक/मुख्य कार्मिक की विशिष्टियां

3.1 कंपनी के निदेशकों की विशिष्टियां जिसके अंतर्गत नाम, अर्हता, अनुभव, कंपनी में शेयरधारण और अन्य कंपनियों में निदेशक पद भी हैं ।

3.2 कंपनी के मुख्य कार्मिक की विशिष्टियां, जिसके अंतर्गत नाम, कंपनी में पदनाम, अर्हता, पूर्व धारित पद, अनुभव, कंपनी में नियुक्ति की तारीख और कृत्य क्षेत्र, निदेशक पद, यदि कोई हों, भी हैं ।

4.0 अवसंरचना

4.1 विद्यमान/ प्रस्तावित अवसंरचना का व्यौरा जिसके अंतर्गत तकनीकी, सुरक्षा, डाटा केन्द्र की होस्टिंग के लिए सुविधा है । (विद्यमान कंपनी के लिए क्या विद्यमान अवसंरचना, कंपनी द्वारा किए जाने के लिए प्रस्तावित प्रत्यय सूचना क्रियाकलाप किए जाने के लिए पर्याप्त है ।)

5.0 मुख्य शेयरधारक

5.1 मुख्य शेयरधारकों की सूची (उपयुक्त आवेदकों को प्रत्यक्षतः या सहबद्धों सहित आवेदक को 5 प्रतिशत या उससे अधिक धारण)

तारीख :

शेयरधारक का नाम	शेयर का अंकित मूल्य	धारित शेयरों की संख्या	कुल समादत्त पूँजी का प्रतिशत	क्या वचनबंध प्रस्तुत किया गया है

6.0 समूह कंपनियां

6.1 मूल/ समनुषंगी/ सहयुक्त कंपनियों की विशिष्टियां जिसके अंतर्गत आवेदक कंपनी का नाम, पता, किए गए क्रियाकलाप का प्रकार, ट्रैक अभिलेख, हित की प्रकृति, आवेदक के संप्रवर्तकों के हित की प्रकृति भी है ।

6.2 क्या किसी मूल/ समनुषंगी/ सहयुक्त आवेदक को किसी प्रयोजन के लिए रिजर्व बैंक ने रजिस्ट्रीकरण मंजूर/अस्वीकार किया है । आवेदन की तारीख, इंकार/ रजिस्ट्रीकरण की तारीख, इंकार के लिए कारण आदि का व्यौरा दीजिए ।

7.0 कंपनी के बारे में वित्तीय सूचना

7.1 शुद्ध लाभ

(विद्यमान कंपनियों के लिए)

(रुपए लाख में)

मद	चालू वर्ष के पूर्ववर्ती वर्ष के पूर्व वर्ष	पूर्ववर्ती वर्ष	चालू वर्ष
(क) समादत्त पूँजी			
(ख) निःशुल्क आरक्षिती (पुनर्मूल्यांकन आरक्षितियों को अपवर्जित करते हुए) कुल (क)+(ख)			
(ग) संचयित हानि			
(घ) आस्थिगित राजस्व व्यय जो ऊपरलिखित नहीं है			
शुद्ध लाभ (क)+(ख)-(ख)-(घ)			
शुद्ध लाभ			

(कृपया गत तीन वर्ष की संपरीक्षित वार्षिक लेखाओं को संलग्न करें)

7.2 मुख्य बैंकरों के नाम और पते

7.3 संपरीक्षकों के नाम और पते

7.4 विस्तृत कारबार भेजना

8.0 अन्य सूचना

8.1 आवेदक कंपनी, निदेशक और मुख्य कर्मचारियों के विरुद्ध लंबित मुकदमों का व्यौरा :

विवाद की प्रकृति	पक्ष का नाम	प्राप्ति

8.2 गत तीन वर्ष में आवेदक द्वारा किसी कपट या आर्थिक अपराधों में अभ्यारोपण या संलग्नता, इसमें मूल/ सहायक/ सहबंध या किन्हीं निदेशकों में कोई मुख्य प्रबंधक कार्मिक ।

8.3 क्या इसका कोई निदेशक या मुख्य प्रबंधकीय कार्मिक उस कंपनी से सहबद्ध था जो जानबूझकर व्यतिक्रमी के रूप में घोषित हो चुकी है ।

9.0 घोषणा

9.1 दो निदेशकों द्वारा हस्ताक्षरित निम्नलिखित घोषणा देगा :

मैंने/ हमने रजिस्ट्रीकरण के लिए आवेदन किया है ।

मैं/ हम अधिनियम के उपबंधों, उसके अधीन बनाए गए विनियमों और रिजर्व बैंक द्वारा जारी मार्गदर्शक सिद्धांत निदेशों, परिपत्रों और अनुदेशों का अनुपालन करते का वचन देता हूँ / देते हैं ।

मैं/ हम वारंट देते हैं कि मैंने/ हमने उपरोक्त प्रश्नों का पूर्ण उत्तर और सभी सूचनाएं जो रजिस्ट्रीकरण के प्रयोजनों के लिए सुसंगत समझी जाए, युक्तियुक्त हैं, सत्यपूर्वक उपलब्ध करा दी हैं ।

मैं/ हम घोषणा करते हैं कि आवेदन प्ररूप में की गई सूचनाएं पूर्ण और सत्य हैं ।

के लिए और के निमित्त

(आवेदक का नाम)

निदेशक

निदेशक

स्पष्ट अक्षरों में नाम

स्पष्ट अक्षरों में नाम

तारीख

तारीख

प्ररूप ख

(विनियम 5 देखें)

प्रत्यय विषयक जानकारी कंपनी के रूप में रजिस्ट्रीकरण प्रमाणपत्र

- भारतीय रिजर्व बैंक, प्रत्यय विषयक जानकारी कंपनी (विनियम) अधिनियम, 2005 के अधीन बनाए गए विनियम 5 के साथ पठित धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, जिसका रजिस्ट्रीकृत कार्यालय हैं, अधिनियम के अधीन बनाए गए नियमों के अधीन और जिसके अंतर्गत उपाबंध I के निबंधनों और शर्तों के अधीन रहते हुए प्रत्यय विषयक जानकारी को प्रारंभ करने या कारबाह करने के लिए रजिस्ट्रीकरण प्रमाणपत्र प्रदान करते हैं।
- रजिस्ट्रीकरण संख्या है।

तारीख :

स्थान : मुंबई

आदेश द्वारा

(हस्ताक्षरित)
 भारतीय रिजर्व बैंक के निमित्त और उसकी ओर से
 प्ररूप ग
 (विनियम 7 देखिए)

सेवा में,

*

प्रिय महोदय/ महोदया ।

प्रत्यय विषयक जानकारी को प्रदत्त करने के लिए सूचना ।

विनियम 7 के उपबंधों के साथ पठित प्रत्यय विषयक जानकारी कंपनी (विनियम) अधिनियम, 2005 की धारा 17 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हम इससे उपाबद्ध प्ररूप के अनुसार आपके मुक्तिकल और उधार लेने वाले के संबंध में प्रत्यय विषयक जानकारी प्रस्तुत करने के लिए आहूत करते हैं।

2. कृपया इस सूचना की प्राप्त की अभिस्वीकृति दें।

स्थान :

तारीख :

(प्राधिकृत अधोहस्ताक्षरी)

*(यथास्थिति प्रत्यय संस्था या प्रत्यय विषयक जानकारी कंपनी का नाम और पत्र)

NOTIFICATION

New Delhi, the 14th December, 2006

G.S.R. 754(E).— In exercise of the powers conferred by section 37 of the Credit Information Companies (Regulation) Act, 2005 (30 of 2005), the Reserve Bank of India hereby makes the following regulations, namely:-

CHAPTER I

PRELIMINARY

1. Short title and commencement.- (1) These regulations may be called the Credit Information Companies Regulations, 2006.
(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.- (1) In these regulations, unless the context otherwise requires, -
 - (a) "Act" means the Credit Information Companies (Regulation) Act, 2005, (30 of 2005);

 - (b) "collector" means a credit institution, or a credit information company, or a specified user, as the case may be, which collects data, information, or credit information in respect of a borrower, or a client;

 - (c) "commodity exchange" means an association or a company or any other body corporate organising futures trading in commodities for which license has been granted by the Forwards Markets Commission established under the Forward Contract (Regulation) Act, 1952, (74 of 1952);

- (d) "data management service" means the service of collecting, storing, devising systems for retrieving, collating, analysing and distributing, publishing, disseminating data, information, and providing of other inputs by a credit information company to its members and specified users;
- (e) "Form" means a form appended to the Schedule to these regulations;
- (f) "fees" means such amount as is payable by a credit institution, or a credit information company, as the case may be, to a credit information company, towards membership fees or annual fees;
- (g) "Government Securities" means a security created and issued by the Central Government or a State Government for the purpose of raising a public loan in a form specified in the Public Debt Act, 1944 (18 of 1944) and the government securities as included in the definition of securities in the Securities Contracts (Regulation) Act, 1956 (42 of 1956);
- (h) "Insurance Regulatory and Development Authority" means the Insurance Regulatory and Development Authority established under section 3 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999);
- (i) "Securities" means securities as defined in clause (h) of section 2 of the Securities Contracts (Regulation) Act, 1956 (42 of 1956).
- (j) "Securities and Exchange Board of India" means the Securities and Exchange Board of India established under section 3 of the Securities Exchange Board of India Act 1992 (15 of 1992);
- (k) "Telecom Regulatory Authority of India" means the Telecom Regulatory Authority of India established under section 3 of Telecom Regulatory Authority of India Act, 1997 (24 of 1997);
- (l) "trading member" means and include a member, a broker or a stock broker, who has been admitted as such by National Stock Exchange or Bombay Stock Exchange and who holds a registration certificate as a stock broker from the Securities and Exchange Board of India;

(2) Words and expressions used in these regulations and not defined herein but defined in the Act, or the rules shall have the same meanings respectively assigned to them in the Act or the rules.

CHAPTER II

SPECIFIED USERS

3. In addition to the specified user as provided in clause (l) of section 2 of the Act, the following companies shall also be regarded as a specified user, namely:-

- (a) an insurance company as defined in the Insurance Act, 1938 (4 of 1938) and registered with the Insurance Regulatory and Development Authority;
- (b) a company providing cellular or phone services and registered with the Telecom Regulatory Authority of India;
- (c) a credit rating agency registered with the Securities and Exchange Board of India;
- (d) a stock broker as defined in the Securities and Exchange Board of India (Stock Brokers and Sub-Brokers) Regulations 1992 and registered under section 12 of the Securities and Exchange Board of India Act, 1992 (15 of 1992);
- (e) a trading member registered with a recognized commodity exchange;
- (f) the Securities Exchange Board of India; and
- (g) the Insurance Regulatory and Development Authority.

CHAPTER III

REGISTRATION OF COMPANIES AS CREDIT INFORMATION COMPANIES

4. **Submission of application by companies for grant of certificate of registration.**— Every application by a company for grant of certificate of registration under section 4 of the Act shall be made in form A to the Chief General Manager-in-Charge of Department of Banking Operations and Development of the Reserve Bank at Central Office Building, Mumbai – 400 001, or to such other office and officer of the Reserve Bank as may be specified by it in this behalf.

5. Grant of certificate of registration.— (1) If, on consideration of the particulars furnished by an applicant company, the Reserve Bank is satisfied that the conditions as specified in sub-section (1) of section 5 of the Act are generally fulfilled and the company is in a position to fulfill the remaining conditions, it may—

- (a) grant 'in-principle approval' to such applicant company and provide time to the company, not exceeding three months, for fulfilling the conditions included therein; and
- (b) in any particular case the Reserve Bank may grant further extension of such time not exceeding three months for the purpose of fulfillment of the conditions stipulated in the 'in-principle approval', where it is satisfied with respect to the cause for failure of the company to fulfill such conditions within the time so provided.

(2) The Reserve Bank may, after being satisfied that the conditions as per sub-section (2) of section 5 of the Act and sub-regulation (1) are fulfilled, grant a certificate of registration in form 'B' to the applicant company to commence or carry on the business of credit information, as the case may be, and may also impose such other conditions as it may consider fit.

CHAPTER IV **BUSINESS OF CREDIT INFORMATION COMPANIES**

6. Form of business in which credit information companies may engage.— In addition to the business of credit information, and subject to such conditions as specified in these regulations, credit information companies may engage in any one or more of the following forms of business, namely:—

- (a) providing to any person his own credit information;
- (b) providing data management services to its member credit institutions;
- (c) collecting, processing, collating and disseminating data, relating to properties mortgaged to credit institutions;
- (d) collecting, processing, collating and disseminating data relating to investments made by its member credit institutions in securities other than government securities;
- (e) collecting, processing, collating data, relating to, frauds perpetrated in borrowing accounts of credit institutions and money laundering, and dissemination thereof to its members and specified users.

CHAPTER V**COLLECTION, FURNISHING OF CREDIT INFORMATION AND PURPOSES THEREOF**

7. Form of notice for collection and furnishing of credit information.—(1) A notice required to be issued by a credit information company or any person authorised in that behalf by the company under sub-section (1) of section 17 of the Act for collection of credit information from its member credit institutions or credit information companies, as the case may be, shall be sent in form C or as near thereto.

(2) Every credit information company shall adopt a format with the approval of the Reserve Bank, for collecting credit information and forward the format to its member credit institutions or credit information company, as the case may be, along with the notice in form C sent to them for collecting credit information.

(3) On receipt of such notice and format, the addressee credit institution or credit information company, as the case may be, shall furnish credit information in the format received along with the notice issued by the credit information company.

8. Extension of time for providing credit information.—(1) In case a credit institution or a credit information company, as the case may be, for any justifiable reason, is not able to comply with the notice sent by a credit information company as per sub-regulation (1) of regulation 7 within the time stipulated therein, it may approach the concerned credit information company in writing for extension of time to comply with the same.

(2) If the concerned credit information company is not satisfied with the reasons submitted by the member credit institution or the member credit information company, as the case may be, for their failure to comply with the notice sent by a credit information company as per sub-regulation (1) of regulation 7, in such case the credit information company shall refer the matter to the Reserve Bank and the decision of the Reserve Bank shall be final in this regard.

9. Permissible uses of credit information.—(1) Credit information shall be provided by every credit information company to a specified

user as per sub-section (3) of section 17 of the Act, for the following purposes, namely:-

- (a) to make effective credit decisions;
- (b) to deter concurrent borrowers and serial defaulters;
- (c) to keep adverse selection of customers to the minimum;
- (d) to review and evaluate risk of its customers;
- (e) to effectively discharge their statutory and regulatory functions;
- (f) to effectively discharge the functions as a credit rating agency;
- (g) generally in relation to and for purposes of taking credit decision, or for judging credit worthiness of a borrower or a client, as the case may be;
- (h) to take a credit decision on a person who accepts liability for payment on a bill of exchange drawn by another person who has applied to the specified user for availing new credit facility or for review or renewal or enhancement or of extension, as the case may be, of his existing credit facility granted by the specified user;
- (i) to take credit decision in relation to a person who draws a promissory note in favour of another person, or who has applied to a specified user for availing new credit facility or for review or renewal or enhancement or of extension, as the case may be, of his existing credit facility granted by any specified user;
- (j) to take credit decision in relation to a person who proposes to act as a guarantor for another person who has applied to a specified user for availing new credit facility or for review or renewal or enhancement or of extension, as the case may be, of his existing credit facility granted by the specified user;
- (k) to enable a person to know his own credit information.

CHAPTER VI

PRIVACY PRINCIPLES

10. In addition to the principles and procedures as provided in section 20 of the Act, every credit information company, credit institution and specified user, shall adopt the following privacy principles in relation to their functioning, namely:-

(a) Care in collection of credit information:

- (i) Every credit information company shall take all such necessary precautions, in respect of information received or collected by it so as to ensure that such information is -

(A) properly and accurately recorded, collated and processed; and

(B) protected against loss, unauthorised access, use, modification or disclosure thereof.

(ii) Every credit institution shall -

(A) keep the credit information maintained by it, updated regularly on a monthly basis or at such shorter intervals as may be mutually agreed upon between the credit institution and the credit information company; and

(B) take all such steps which may be necessary to ensure that the credit information furnished by it, is update, accurate and complete.

(b) Access to, and modification of, the credit information:

(i) Every credit information company shall -

(A) establish and adopt procedures relating to disclosure to a person, upon his request, his own credit information and subject to his satisfactory identification; and

(B) provide reasonable time and opportunity to such person for establishing his identity and the credit information company may call for his personal attendance, if so necessary, and production of such other documents as may be necessary as proof of his identity.

(ii) Every specified user on receipt of a request as per sub-section (3) of section 21 of the Act, from a client or a borrower, as the case may be, for updating of his credit information, shall intimate about such request to the credit information company which had furnished such credit information to the specified user.

(iii) Every credit information company on receipt of the intimation from a specified user, shall intimate about the request made by the borrower or the client, as the case may be, the credit institution which had furnished such credit information to the credit information company .

(iv) Every specified user, credit information company, and credit institution, shall take prompt action in relation to updating of the credit information and to send the intimation and their response with proper co-ordination amongst them so as to ensure that the

requisite action is taken in this behalf within the time limit as provided under sub-section (3) of section 21 of the Act.

(c) Data use limitation :

Obligation to disclose.- Every specified user, in case of denying credit or any other service to a borrower or a client, as the case may be, on the basis of his credit information report within thirty days of its such decision shall -

- (A) send a written intimation to such borrower, or the client about the rejection ;
- (B) include in such intimation the specific reasons for rejection;
- (C) forward a copy of the credit information report relied upon for such decision; and
- (D) also provide the name and address of the credit information company which had provided the credit information report to the borrower or client, as the case may be.

(d) Length of preservation of credit information:

- (i) every credit information company and credit institution shall retain credit information collected, maintained and disseminated by them for a minimum period of seven years.
- (ii) Every credit information company and credit institution shall develop guidelines and procedures to be adopted by them, with the approval of the Reserve Bank in respect of preservation and destruction of credit information.

11. Principles and procedures relating to personal data .-(1) Every credit institution, credit information company and specified user, as the case may be, shall adopt the following principles and procedures in respect of;

- (a) the manner and purpose of collection of personal data;
- (b) solicitation of personal data from individual concerned;
- (c) their extent of accountability; and
- (d) for redressal of grievances of individuals in respect of personal data.

(2) Manner and purpose of collection of personal data. - No credit institution, or credit information company, or specified user, as the case may be shall collect, or publish or disclose, personal data except for the purposes relating to their functions:

- (a) as per the provisions of the Act, or their activities incidental or relating to their such functions; or
- (b) in relation to their capacity and function as an employer of an individual who is or has been in their employment.

(3) Solicitation of personal data from an individual. - In case of collection and use of personal data as per this regulation, by a credit institution, credit information company, or a specified user, as the case may be, they shall take such steps as are, in the circumstances, reasonable to ensure that, before such data is collected or, if that is not practicable, as soon as practicable after such data is collected -

- (a) the individual concerned is informed of the purpose for which such data is being collected, or disclosed, or used, as the case may be; and
- (b) such data maintained by them is protected against any loss, or unauthorized access, or use, or modification or disclosure, thereof.

(4) Length of preservation of personal data. - (i) Every credit information company and credit institution shall retain personal data collected, maintained and disseminated by them for a minimum period of seven years.

(ii) Every credit information company and credit institution shall develop guidelines and procedures to be adopted by them, with the approval of the Reserve Bank in respect of preservation and destruction of personal data.

Explanation: For the purpose of this regulation, "personal data" means such other data relating to an individual other than what a credit institution, or a credit information company, or a specified user, is permitted to collect as per the provisions of (the rules made under the Act).

To be read in conjunction with the following to section 3(i) of the Act:

A MBOA

(प्रतिलिपि संस्कृत)
CHAPTER VII**मानकरता रो व्यापारीक वार्ता वालों का विवरण
MAXIMUM AMOUNT OF FEES**

मानकरता रो व्यापारीक वार्ता वालों का विवरण

12. (1) Every credit information company shall be entitled to charge such amount, as it may deem appropriate, not exceeding Rs.15,00,000/- towards fee, from credit institutions or credit information companies for admitting them as their member.

(2) Every credit information company shall be entitled to charge such amount, as it may deem appropriate, not exceeding Rs.15,00,000/- in case of member credit information company and Rs.50,000/- in case of member credit institution towards the annual fee.

(3) Every specified user shall furnish a copy of the credit information to such person as referred to in sub-section (1) of section 21 of the Act, subject to a charge of amount not exceeding Rs.50/-.

(4) For providing to an individual his own credit information, a credit information company may charge such amount as it deems appropriate not exceeding Rs.100/-.

(5) Every credit information company shall be entitled to charge from a specified user, such amount, as it may deem appropriate, not exceeding Rs.500/- for providing credit information report of an individual, and Rs 5000/- for others.

मानकरता रो व्यापारीक वार्ता वालों का विवरण

[F. No. 7/67/2005-BOA (iii)]
AMITABH VERMA, Jt. Secy.

FORM A
(See regulation 4)

APPLICATION FOR GRANT OF CERTIFICATE OF REGISTRATION

INSTRUCTIONS FOR FILLING UP FORM –

1. Applicants must submit to the Reserve Bank a completed application form, together with supporting documents.
2. Application for registration will be considered, only if it is complete in all respects.
3. Information, which needs to be supplied in more detail, may be given on separate sheets, which should be attached to the application form.
4. All signatures on the application must be original.
5. Every page of the form as well as every additional sheet must be serially numbered.

1.0 Particulars of the Applicant

1.1 Name, address of the registered office, address of corporate office, address for correspondence, telephone number(s), fax number(s) and name of the contact person of the company.

1.2 Date of incorporation of the applicant company (enclose certificate of incorporation and memorandum and articles of association). Specify the following:
(a) Objects of the applicant company
(b) Authorised, issued, subscribed and paid up capital

1.3 Category to which the applicant company belongs to:
(a) Company already in the business of credit information
(b) Company proposing to undertake the business of credit information.

2.0 Eligibility Criteria

Names of the promoters and indicate their shareholding in the company.

3.0 Particulars of directors/ key personnel

3.1 Particulars of directors of the company, which shall include name, qualification, experience, shareholding in the company and directorship in other companies.

3.2 Particulars of key personnel of the company, which shall include name, designation in the company, qualification, previous positions held, experience, date of appointment in the company and functional areas, directorships, if any.

4.0 Infrastructure

4.1 Details of existing/proposed infrastructure including the technology, security, facilities for hosting the data center. (For existing companies whether the existing infrastructure is adequate to carry on the credit information activities proposed to be undertaken by the company. Any further plan for additional/ improved infrastructure to be indicated.)

5.0 Major shareholders

5.1 List of major shareholders (holding 5% and above of applicant directly or along with associates)

Date: _____

Name of shareholder	Face value of share	No. of shares held	%age of total paid up capital	Whether declaration / undertaking submitted

3839 62/06-11

6.0 Group Companies

6.1 Particulars of parent / subsidiary / associate companies which shall include name, address, type of activity handled, track record, nature of interest of the applicant company, nature of interest of promoter(s) of the applicant.

6.2 Whether the Reserve Bank has granted/ refused registration for any purpose to any parent / subsidiary / associate of the applicant. Give the details like date of application, date of refusal/ registration, reasons for refusal etc.

7.0 FINANCIAL INFORMATION ABOUT THE COMPANY**7.1 Net Worth**

(For existing companies)

(Rs. In Lacs)

Items	Year prior to the preceding year of the current year	Preceding year	Current year
(a) Paid-up capital			
(b) Free reserves (excluding revaluation reserves)			
Total (a) + (b)			
(c) Accumulated losses			
(d) Deferred revenue expenditure not written off			
Net worth (a)+(b)-(c)-(d)			
Net Profit			

(Please enclose audited annual accounts for the last three years).

7.2 Name and address of the Principal bankers.

7.3 Name and address of the Auditors.

7.4 Detailed Business Plan.

8.0 OTHER INFORMATION

8.1 Details of all pending litigations against the applicant company, directors and key employees:

Nature of dispute	Name of the party	Status

8.2 Indictment or involvement in any fraud or economic offences by the applicant, its parent/subsidiary/associate or any of its directors, or key managerial Personnel, in the last three years.

8.3 Whether any of its directors or key managerial personnel are associated with a company which have been declared as wilful defaulter.

9.0 Declaration

9.1 Give the following declarations signed by two directors:

I/We hereby apply for registration.

I/We hereby undertake to comply with the provisions of the Act, the regulations made thereunder and the guidelines, directives, circulars and instructions issued by the Reserve Bank.

I/We warrant that I/We have truthfully and fully answered the questions above and provided all the information, which might reasonably be considered relevant for the purposes of registration.

I/We declare that the information supplied in the application form is complete and correct.

For and on behalf of

(Name of Applicant)

Director

Director

Name in Block Letters

Date

Name in Block Letters

Date

FORM B

(See regulation 5)

CERTIFICATE OF REGISTRATION AS CREDIT INFORMATION COMPANY

1. In exercise of the powers conferred by section 5 of the Credit Information Companies (Regulation) Act 2005 read with regulation 5 made thereunder, the Reserve Bank of India hereby grants a certificate of registration to _____ having Registered Office at _____, to commence or carry on business of the credit information subject to the rules made under the Act and the terms and conditions included in Annexure I hereto.

2. The Registration Number is _____

(Date).

Place: Mumbai

By order

Sd/-

For and on behalf of
RESERVE BANK OF INDIA

FORM C
(See regulation 7)

To,

* _____

Dear Sir/Madam,

Notice for submission of credit information

In exercise of powers conferred by sub-section (1) of section 17 of the Credit Information Companies (Regulation) Act, 2005 read with the provisions of regulation 7, we call upon you to furnish the credit information in respect of your clients and borrowers as per the format appended hereto.

2. Please acknowledge the receipt of this notice.

Place:

Date:

(Authorised Signatory)

Name of the Credit Information Company

* Name and address of the credit institution or credit information company, as the case may be.