

GUIDELINES FOR THE SUBMISSION OF COMPLAINTS RELATING TO DISPUTED CONSUMER CREDIT INFORMATION



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1. INTRODUCTION

- 1.1. Section 16(1)(b) of the National Credit Act 34 of 2005 ("the Act"), empowers the National Credit Regulator ("NCR") to provide guidance to the credit market and industry by issuing explanatory notices on the interpretation of the Act.
- 1.2. In terms of section 72(4), individuals who have challenged information held by credit providers or credit bureaus are entitled to submit a complaint in the prescribed manner and form to the National Credit Regulator for investigation under section 136.

2. PURPOSE OF THE GUIDELINE

The purpose of this guideline is to provide consumers with guidance on the process to follow when submitting complaints regarding disputed or inaccurate information on their credit reports.

3. DEFINITIONS

Primary Credit Bureau: A registered credit bureau authorised by the NCR to host full-file consumer credit information, including payment profile information.

Disputes/Challenges: Where a consumer challenges the accuracy of information on their credit profile. A consumer will be considered to have challenged the accuracy of the information on their credit report when it is alleged that the information is: incomplete, outdated or prescribed, factually incorrect, and/or related to fraud.

4. THE STATUTORY PROVISIONS

4.1. Section 72(1)(c) of the Act states that:

Every person has a right to challenge the accuracy of any information concerning that person -

- (i) that is the subject of a proposed report contemplated in paragraph (a); or*
- (ii) that is held by the credit bureau or national credit register, as the case may be, and require the credit bureau or National Credit Regulator, as the case may be, to investigate the accuracy of any challenged information, without charge to the consumer.*

4.2. Section 72(3) of the Act states that:

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

- (a) provide a copy of any such credible evidence to the person who filed the challenge, or*
- (b) remove the information, and all record of it, from its files, if it is unable to find credible evidence in support of the information, subject to subsection (6).*

4.3. Regulation 20(2), states as follows regarding timeframes:

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

5. PROCEDURE FOR CHALLENGING INACCURATE INFORMATION PROPOSED TO BE REPORTED OR HELD BY A REGISTERED CREDIT BUREAU

5.1. Dispute resolution process by a registered credit bureau:

- 5.1.1. When challenging any inaccurate information proposed to be reported or held by a primary credit bureau, a complainant must notify the primary credit bureau of the inaccurate information either by email, by telephone, or on the relevant credit bureau's website.
- 5.1.2. The complainant may be required to provide certain information and/or documentation to facilitate the investigation and resolution of the dispute. This may include identification documents; proof of address; supporting documentation for the disputed information.
- 5.1.3. Upon receipt of the complete notification, including all supporting documentation and/or information, the primary credit bureau will provide the complainant with a reference number.
- 5.1.4. Upon receipt of the complete notification of challenged information, the registered credit bureau must mask the challenged information and refrain from reporting it until the challenge is resolved in accordance with sections 5.1.5 and 5.1.6 below. This must be done as soon as possible, but no later than 5 business days after receiving the challenge
- 5.1.5. The registered credit bureau must take reasonable steps to seek evidence to support the challenged information. If the registered credit bureau succeeds in obtaining evidence in support of the challenged information, the credible evidence must be provided to the complainant.
- 5.1.6. If the registered credit bureau obtains credible evidence to support the challenged information, the challenged information must be unmasked and retained in the credit bureau records.
- 5.1.7. If the registered credit bureau is unable to obtain credible evidence to support the challenged information, the challenged information must be corrected or removed from the credit bureau records.
- 5.1.8. The primary credit bureau must complete the dispute resolution process within 20 business days from receipt of a complete notification, inclusive of all required supporting information and/documentation.
- 5.1.9. Contact information for Primary Credit Bureaus:

Credit Bureau	Telephone	Website address
Consumer Profile Bureau	010 590 9505	www.consumerprofilebureau.com
TransUnion	0861 482 482	www.transunion.co.za
Experian	0861 105 665	www.experian.co.za
XDS	(011) 645-9100	www.xds.co.za
VCCB	087 150 3601	www.vccb.co.za
ITC Credit Bureau	011 019 0099	www.itc.co.za

5.2. Dispute resolution process by the National Credit Regulator:

- 5.2.1. If the complainant is unsatisfied with the outcome of the dispute resolution process by the registered credit bureau, the complainant may, within 20 (twenty) business days after receiving a copy of evidence to support the challenged information from the registered credit bureau, apply to the NCR to investigate the disputed information as a complaint by completing and submitting the prescribed Form 29.
- 5.2.2. The complaint form must include a detailed description of the complaint, steps taken to resolve the matter (inclusive of dates), as well attach all supporting documents and the reference number provided by the relevant credit bureau.
- 5.2.3. Complaints may be submitted in the following manner:
Telephone: 0860 627 627; or
Email: creditbureaudisputes@ncr.org.za
Alternatively, you may visit the NCR office: Monday to Thursday from 08h00 to 17h00 and Friday from 08h00 to 16h30.
For detailed information on the NCR's complaints process and to access Form 29, please refer to the following link: <https://www.ncr.org.za/index.php/departments/complaints>

6. CONCLUSION

- 6.1. Before lodging a credit bureau-related complaint with the NCR, complainants must first lodge a complaint with the relevant credit bureau.
- 6.2. Complainants must be provided with a reference number of the dispute by the credit bureau.
- 6.3. Complainants must allow the credit bureau's dispute resolution division twenty (20) business days to resolve the complaint.
- 6.4. Should the complainant be dissatisfied with the outcome of the credit bureau's investigation; the complainant may submit their complaint to the NCR in the prescribed manner and form within 20 (twenty) days of the credit bureau's findings.
- 6.5. Please note if the complaint submitted does not comply with the criteria listed at 6.1.- 6.3. above, the NCR may lack jurisdiction to deal with it.

7. EFFECTIVE DATE

This Guideline is effective immediately.

FOR MORE INFORMATION, QUESTIONS OR CLARITY RELATING TO THIS GUIDELINE:

Please address all queries to the Executive Legal Unit at ExecutiveLegalUnit@ncr.org.za