

DECREE OF THE PRESIDENT OF THE REPUBLIC OF AZERBAIJAN

on approval of the 'Regulations on posting, updating negative information that constitute credit histories in the 'Electronic government' portal and its obtaining by credit bureaus'

In order to implement Item 1.3 of Decree No.1145 of the President of the Republic of Azerbaijan 'on Application of Law 384-VQ of the Republic of Azerbaijan on Credit Bureaus' dated 28 October 2016' dated 7 December 2016 the Cabinet of Ministers of the Republic of Azerbaijan **decides:**

To approve the 'Regulations on posting, updating negative information that constitute credit histories in the 'Electronic government' portal and its obtaining by credit bureaus' (attached).

Artur Rasizadeh
Prime Minister of the Republic of Azerbaijan

Baku city, 27 July 2017

№ 308

Approved
by Resolution No.308 of
the Cabinet of Ministers of the
Republic of Azerbaijan dated 27 July 2017

Regulations on posting, updating negative information that constitute credit histories in the 'Electronic government' portal and its obtaining by credit bureaus

1. General provisions

1.1. These Regulations have been developed in accordance with Article 17.5 of the Law of the Republic of Azerbaijan 'on Credit Bureaus' and determine the procedure for posting, updating negative information that constitute credit histories (hereinafter – information) in the 'Electronic government' portal (hereinafter – the Portal) and its obtaining by credit bureaus.

1.2. The following information providers deliver the information as per Item 2.2 herein:

1.2.1. central and local executive authorities, courts (in cases provided for in the Code of Administrative Procedure of the Republic of Azerbaijan, if they take measures to enforce the court decision), notaries and compulsory executive bodies;

1.2.2. the Central Bank of the Republic of Azerbaijan, the Financial Markets Supervisory Authority of the Republic of Azerbaijan and the National Television and Radio Council of the Republic of Azerbaijan (on the information provided for in sub-items 2.5.1 and 2.5.2 herein on the cases related to administrative offenses considered).

1.3. The Ministry of Transport, Communications and High Technologies of the Republic of Azerbaijan provides necessary technical capabilities for posting and updating the information by information providers specified in Item 1.2 herein and its obtaining by credit bureaus.

1.4. The definitions specified in the Law of the Republic of Azerbaijan 'on Credit Bureaus' are used in these Regulations.

2. Posting and updating information by information providers in the Portal

2.1. The information providers specified in Item 1.2 herein publish negative information on the subject of the credit history without his/her consent.

2.2. The information specified in sub-items 2.5.1 and 2.5.2 herein by courts (except for the Constitutional and the Supreme Courts of the Republic of Azerbaijan), compulsory executive bodies and notaries via the Ministry of Justice of the Republic of Azerbaijan, and directly by the Constitutional and the Supreme Courts of the Republic of Azerbaijan, central and local executive authorities (including on behalf of subordinated institutions included and not included in the structure), the Central Bank of the Republic of Azerbaijan, the Financial Markets Supervisory Authority of the Republic of Azerbaijan and the National Television and Radio Council of the Republic of Azerbaijan in the part related to their activities.

2.3. Credit bureaus, the Ministry of Justice of the Republic of Azerbaijan, the Constitutional and the Supreme Courts of the Republic of Azerbaijan, central and local executive authorities (including on behalf of subordinated institutions included and not included in the structure), the Central Bank of the Republic of Azerbaijan, the Financial Markets Supervisory Authority of the Republic of Azerbaijan and the National Television and Radio Council of the Republic of Azerbaijan integrate their information systems to the Portal.

2.4. Information systems specified in Item 2.3 herein are integrated to the Portal in accordance with the 'Statute of the 'Electronic government' portal' approved by Decree No.813 of the President of the Republic of Azerbaijan dated 5 February 2013 at the request of related institutions.

2.5. Information providers publish the following information accordingly indicating the information required for identification of the subject of credit history determined by the Financial Markets Supervisory Authority of the Republic of Azerbaijan:

2.5.1. the amount of fines and other sanctions to be paid, alimony, taxes and social insurance fees, other mandatory payments, fines, insurance premiums, debts arising from notarized loan agreements, utility debts and deadline for their payment;

2.5.2. any other information affecting assessment of solvency of the subject of credit history and discipline of execution of debt liabilities, provided that inclusion of such information in the credit history is not illegal.

2.6. Information providers place the information specified in sub-items 2.5.1 and 2.5.2 herein on the Portal within 1 (one) business day from the date of their receipt.

2.7. Information posted on the Portal in accordance with Item 2.6 herein is updated within 1 (one) business day from the date of the change.

2.8. Responsible persons designated in relevant public institutions place and update information. These persons post or update the information on the Portal after authentication based on a strengthened electronic signature certificate.

3. Obtaining information by credit bureaus

3.1. Credit bureaus access the information posted on the Portal by responsible persons who have passed authentication via a strengthened e-signature certificate.

3.2. Credit bureaus obtain the information posted on the Portal electronically online through web services upon request.

3.3. The credit bureau is obliged to accept the requested information, in which case the credit history database states that this information was obtained from the Portal.

4. Final provisions

4.1. The information providers specified in Item 1.2 herein are liable under the law if they do not properly place or timely update relevant information on the Portal.

4.2. The Portal operator is not responsible for the content, accuracy, completeness and reliability of the information posted on the Portal.