

# **Regulation on obtaining the consent of the credit history subject and confirming the fact of obtaining consent for the credit bureau**

## **1. General provisions**

This Regulation has been prepared in accordance with paragraph 4.1 of Decree No. 1145 of the President of the Republic of Azerbaijan dated 7 December 2016 'On implementation of the Law No. 384-VQ dated 28 October 2016 of the Republic of Azerbaijan 'On Credit Bureaus'' and determines the procedure for obtaining the consent of the credit history subject and confirming the fact of obtaining consent for the credit bureau.

## **2. Main definitions**

The terms 'credit bureau', 'credit history', 'credit history subject', 'credit report', 'data provider' and 'data user' used herein shall have the meanings defined in the Law of the Republic of Azerbaijan 'On Credit Bureaus' (hereinafter referred to as the 'Law').

## **3. Obtaining the consent of the credit history subject**

3.1. Submission of negative and positive information by data providers to credit bureaus for the development of credit histories and submission of information constituting credit histories to data users by credit bureaus shall be provided on the basis of consent of the credit history subject documented in writing (including in electronic form with an enhanced electronic signature), except as specified in *paragraphs 3.5, 3.6, 3.7 and 3.7-1* of this Regulation.[\[1\]](#)

3.2. The information contained in the written consent of the credit history subject shall be defined by the Law. The 'Consent Statement to provide data to the credit bureau or obtaining a credit report from the credit bureau' (hereinafter referred to as the 'Consent Statement') form shall be defined in Appendix to this Regulation. When the 'Information provided by the credit history subject' field is selected on the 'Data consented to be collected and processed' item in the Consent Statement, this information appears in the annex to the Consent Statement signed by the credit history subject. If the data provider or data user is a credit institution, the 'All data' field shall be selected on the 'Data consented to be collected and processed' item in the Consent Statement.

3.3. The written consent of the credit history subject shall be deemed received by the data user or data provider from the moment the credit history subject signs the Consent Statement.

3.4. When obtaining written consent, data providers and data users shall provide the credit history subject with detailed information about their obligations under the Law and the rights of the credit history subject established by the Law, and make an appropriate note of this in the Consent Statement.

3.5. *In accordance with paragraph 14.0.1 of the Law, the information submitted by data providers specified in paragraph 12.2.5 of the Law, information provided in the case stipulated by paragraph 23.2 of the Law, and negative information specified in paragraph*

12.3 of the Law shall be provided without obtaining the consent of the credit history subject.<sup>[2]</sup>

3.6. According to paragraph 14.0.2 of the Law, the credit bureau is entitled to include information from official publications, official information resources and other official sources open to the public in the field related to the credit history subject without obtaining the consent of the credit history subject.

3.7. In accordance with paragraph 14.0.2 of the Law, the consent of the credit history subject shall not be required to obtain the information constituting the credit history by the courts, investigative bodies, enforcement authorities, subjects of law enforcement intelligence operations *with respect to cases in charge*, supervisory authority (for investigation of complaints submitted to the supervisory authority by credit history subjects), notaries (for approval of debt agreements, wills and inheritance cases) and heirs of credit history subjects.<sup>[3]</sup>

*3.7-1. In accordance with paragraph 14.0.2 of the Law, credit institutions may obtain credit reports of the credit history subjects that are current borrowers, legal relations with who were established before 1 April 2018, without obtaining their consent.*<sup>[4]</sup>

3.8. In accordance with Article 15.6 of the Law, when the subject of the credit history dies, is declared dead, is missing, is considered incapacitated, as well as in cases where he/she is a minor and unable to issue a consent, the consent required by the Law shall be obtained by his/her heirs, legal representatives, parents or one of his/her caretakers. In this case, documents confirming the authority of the heir, legal representative, parent or caretaker, and if the person issues a consent through an authorized representative, documents confirming the authority of the representative shall be submitted.

#### **4. Confirmation of the fact of obtaining consent for the credit bureau**

4.1. Credit history information shall be submitted to the credit bureau by the data provider electronically in accordance with Article 17.4 of the Law. The data provider shall provide the information to the credit bureau directly through the appropriate data uploading tools of the credit bureau system or through the 'Electronic Government' portal in accordance with Article 17 of the Law.

4.2. A request for obtaining credit report from the credit bureau by the data user can be made through a written application of the data user (including in the form of an electronic document with a strengthened electronic signature) and a direct application using the appropriate inquiry tools of the credit bureau system.

4.3. The credit report shall be submitted to the data user by the credit bureau in accordance with the relevant application methods mentioned in paragraph 4.2 of this Regulation.

4.4. For cases of direct submission of information constituting credit history to the credit bureau and direct receipt of credit report from the credit bureau, the credit bureau system shall have appropriate fields to record information reflecting the attitude of the credit history subject to the exchange of information and validity of the consent in cases not related to debt obligations.

4.5. After obtaining the written consent of the credit history subject, the data provider or data user shall be deemed to have confirmed the fact of obtaining written consent for the credit bureau when the data provider or data user provides the relevant information to the credit bureau system in the fields specified in paragraph 4.4 of this Regulation.

4.6. When the data user submits a written application (including in the form of an electronic document with a strengthened electronic signature) to the credit bureau to obtain a credit report, the data user shall attach a copy of the Consent Statement (including an electronic copy when applying in the form of an electronic document with a strengthened electronic signature) to the application.

4.7. When the data user sends a written request (including in the form of an electronic document with an enhanced electronic signature) prepared in a form that meets the requirements of the Law and this Regulation to the credit bureau to obtain a credit report from the credit bureau, the data user shall be considered to have confirmed the fact of obtaining written consent for the credit bureau.

4.8. Once the fact of obtaining consent is confirmed by the data provider or data user for the credit bureau, the credit bureau shall accept the data constituting credit history provided by the data provider or submit a credit report to the data user, taking into account the conditions of the Consent Statement.

4.9. The credit bureau shall refuse to accept the data that constitutes a credit history provided by the data provider or to provide a credit report to the data user, if the data provider does not confirm the fact of obtaining the consent of the credit history subject or data user for the credit bureau.

4.10. In cases where obtaining the consent of the credit history subject is not required, submission of information constituting the credit history to the credit bureau or receiving a credit report from the credit bureau shall be carried out in accordance with paragraphs 4.1-4.3 of this Regulation without confirming the fact of obtaining the consent of the credit history subject for the credit bureau.

Data provider or data user identification information

**Appendix  
to the Regulation on obtaining the consent  
of the credit history subject and confirming  
the fact of obtaining consent for the credit  
bureau**

**CONSENT STATEMENT**

**for submitting data to the credit bureau or obtaining a credit report from the credit bureau to form credit history**

<input type="checkbox"/> <b>Individual</b>	
Identification data:	
Name, surname, patronymic	
ID document series and number	
ID document PIN code	
TIN (if any)	
Identification data of an authorized person acting on behalf of an individual:	
Name, surname, patronymic	
ID document series and number	
ID document PIN code	
Name of the document confirming the authority	

<input type="checkbox"/> <b>Legal entity</b>	
Identification data:	
Name	
TIN	
Identification data of an authorized person acting on behalf of a legal entity:	
Name, surname, patronymic	
ID document series and number	
ID document PIN code	
Name of the document confirming the authority	

Information about the credit bureau where consent is issued:	
Name	
TIN	
Consent date:	
Consent compilation date	

Attitude of the credit history subject to data collection and processing:	
I consent to the receipt of data collected about me from the credit bureau	<input type="checkbox"/> yes <input type="checkbox"/> no
I consent to submission of data collected about me to the credit bureau	<input type="checkbox"/> yes <input type="checkbox"/> no
Data consented to collection and processing	<input type="checkbox"/> all data <input type="checkbox"/> data indicated by the credit history subject
I consent to cross-border transfer of data	<input type="checkbox"/> yes <input type="checkbox"/> no
I consent to transfer of data to other credit bureau in cases specified in paragraph 11.3 of the Law of the Republic of Azerbaijan 'On Credit Bureaus'	<input type="checkbox"/> yes <input type="checkbox"/> no
Destruction or archiving of information collected after the expiry of the data storage period or after the death of the credit history subject.	<input type="checkbox"/> destroy <input type="checkbox"/> archive
I consent to assessment of credit history subjects' solvency and debt discipline and assignment of individual credit ratings to credit history subjects.	<input type="checkbox"/> yes <input type="checkbox"/> no

Validity of the consent and its withdrawal:
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Validity term of the consent on cases not related to debt obligations and conditions for its withdrawal	<p style="text-align: center;">----- (year, month, day, etc.)</p> <p style="text-align: center;">_____ (conditions)</p>
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**Confirmation of the consented person:**

I confirm that I have been informed of the duties of the data provider or data user determined by the Law and of my rights under the Law when issuing consent.	<input type="checkbox"/> yes <input type="checkbox"/> no
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**Signature and contact phone of the credit history subject (or authorized person):**

Phone: _____	Signature: _____
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*End of the consent of the credit history subject*

**Name, surname and signature of the person receiving the consent:**

Name, surname: _____	Signature: _____
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