

The Temporary Credit Information Law No. 82, 2003

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Article 1:

This law shall be cited as (the Credit Information Law, 2003) that shall be applicable as of the date of its being published in the Official Gazette.

Article 2:

The following terms and expressions, and wherever mentioned herein, shall have the meanings assigned to them hereunder unless otherwise indicated by the context:

The governor: the Governor of the Central Bank of Jordan.

The bank: the bank that is licensed by the Central Bank of Jordan.

The company: any company that is licensed pursuant to the provisions of this Law to issue a credit report for the others against a consideration.

The credit information: the information related to the credit merits and reputation of a person as set through the article No. (5) of this Law.

The credit report: the credit information issued by the company in a written or electronic form including the merits lists that are used either in aggregate or partly as an element for the determination of the credit's extent enjoyed by the person, the subject matter of the report for any purpose permitted by the Law.

The report applicant: the person who applies to the company to obtain a credit report pursuant to the provisions of this Law.

The resource: any entity which provides the company with credit information which he has legally obtained such as the banks, commercial institutions and any other parties which business nature requires granting the credit or otherwise used to grant the same in addition to the insurance companies, medical parties, governmental departments, courts and any other resources.

The merits lists: the lists referred to in the paragraph (A) of the article no. (9) of this Law.

The register: the total credit information related to a specific person that are kept by the company through any of the means of keeping.

The medical information: the information related to the pathological history of the person, the subject matter of the credit report that shall be obtained from an appointed and licensed medical party.

Article 3:

General Conditions:

A- The company may not practice its activities before procuring a license to that effect from the governor.

B- The governor shall issue instructions which shall set the basics and conditions of granting the license including the legal form of the type of the company and the minimum amount of its capital which shall be published in the Official Gazette.

Article 4:

A- Without prejudice to the provisions of the paragraph (B) of this article and the provisions of the articles Nos. (72-75) of the Banks Law No. (28), 2000, the company gather, file and assess the credit information related to any person in order to issue credit reports pursuant to the provisions of this Law. Further, the resource shall be entitled to provide the company with the credit information set through the article No. (5) of this Law nevertheless of the provisions of any other legislation.

B- It shall be prohibited to issue a credit report related to the public corporate persons.

Article 5:

A- The following information or any part thereof shall be considered exclusively related to the credit merits of the person:

1-The name of the person, his national number, age, nationality, place of residence or his current and ex-work place as well as his marital status, academic qualification, the current job, the ex-job, address, the name of the spouse, the age of the same and the dependant persons.

2- The information related to any current or previous credit in addition to any warranties granted to him and the extent of commitment to honor on the specified due dates as well as any outstanding or disputed sums provided that the same shall not be preceding the date of the credit report for more than five years.

3- Any credit amount which he has delayed its honor while its creditor has claimed for the same or otherwise decided to delete it provided that the same shall not be preceding the date of the credit report for more than five years to be commencing as from the incidence of the delay in the honoring which shall be immediately preceding the measure of collection or the deletion decision.

B- The following information or any part thereof shall be considered exclusively related to the reputation of the person:

1- The civil cases that have been filed against the person including the number of the case, its type, date of filing and the judgment issued in it provided that the period of time as between the date of filing the case or the date of the judgment issued in it, as

the case shall be, and the date of issuing the credit report shall not be more than five years.

2- Any cases of insolvency, bankruptcy or liquidation filed against the person which information shall include the date of registering the case or the judgment, the number of the case and the name of the liquidator or the attorney of the bankrupt estate, the value of the assets and the debts as well as the date of their payment, the interests and the expenses of the liquidation. However, it shall be provided that the period of time as between the date of filing the case or the date of the judgment issued in it, as the case shall be, and the date of issuing the credit report shall not be more than seven years.

3- the orders issued against the person in criminal cases being related to offenses or misdemeanors whereby the period of time as between the date of the judgment issued in it and the date of issuing the credit report shall not be more than five years.

4- The returned checks drawn by the person together with stating at the reasons for rejecting the honoring. However, the governor shall issue instructions that shall set the conditions and the period time committed by the company upon revealing such information.

5- The violations and traffic accidents committed by the person provided that the date of the same shall not be preceding the date of the credit report for more than five years.

6- The names of the persons who applied to obtain a credit report on behalf of the person within the two previous years preceding the date of the credit report and those who obtained it together with stating at the date of the application.

7- The medical information provided that the date of the same shall not be preceding the date of the credit report for more than ten years.

Article 6:

In case that the company shall be notified pursuant to the article No. (27) of this Law that a credit account for some person was closed upon his request, then the company shall indicate that the account was closed upon the request of the person in any subsequent credit report to be issued concerning the said person containing information related to the said account.

Article 7:

Without prejudice to the provisions of the article No. (9) of this Law, the company may not issue a credit report unless either of the following conditions shall be satisfied:

A- pursuant to an order issued by a court of jurisdiction in a current litigation.

B- Upon the request of the applicant for the report and the approval of the person, the subject matter of the report.

Article 8:

The company may, upon the request of the applicant for the report, cause the credit report related to a specific company to include the credit information related to the joint partners in the said company.

Article 9:

A- The company may, pursuant to the credit information available in the registers held with it and pursuant to an application to be submitted to it, issue lists for the names of persons who satisfy the standards specified by the applicant for the report regarding their credit or insurance merits to be used by the applicant for the report in a credit or an insurance process in any of the following cases:

1- Pursuant to the approval in writing of the person whose name may be included in the merits lists.

2- In case the applicant for the report shall commit itself in writing to the effect that it shall address a binding proposal for granting a credit or insurance to all the persons who satisfy the standard set by it and whose names have appeared in the merits lists prepared for such purpose.

B- The company may not cause the merits lists to include except the name of the person and his address.

C- The company may not cause the merits lists to include the name or address of any person who shall notify the company by his wish not to include his name in the said lists.

Article 10:

The company shall adopt the necessary measures to attain the following:

A- Assuring the thoroughness of the information submitted by it which shall be updated and complete.

B- To verify the identity of the applicant for the report and its purpose related to the same.

Article 11:

A- The relationship between the company and the applicant for the report shall be regulated pursuant to a contract that shall set the reasons for requesting the report provided that the contract shall include a provision to the effect of the non using of the information for purposes other than those specified.

B- In case the applicant for the reports shall be dealing with the company for the first time, then, and in addition to the provisions of the paragraph (A) of this article, the company shall adopt the necessary measures to assure the availability of the causes for which it shall be wishing to obtain the information.

Article 12:

A- The company may not gather or receive information from any resource unless it shall assure its reliability.

B- The company shall inform the resource and the applicant for the report of the obligations for which they shall stand liable pursuant to the provisions of this Law.

Article 13:

The company may not sell or rent the registers held with it except for another credit company after obtaining the approval of the governor in writing.

Article 14:

The person who obtains a report or otherwise shall look through it by virtue of its work shall deal with the same in a strict confidentiality in addition to not revealing the report or any information included therein to the others. However, the person, the subject matter of the report shall be excluded from the provisions of this article.

Article 15:

For the purposes of this Law, the negative decision shall mean any of the following:

A- The refusal to grant the person a credit in the amount and according to the conditions as required by him unless the creditor shall submit another credit proposal that shall be approved by the person.

B- The closing of the credit account of the person or the effecting of any negative change in its conditions.

C- The refusal to increase the amount of the credit for a person who applies for the same.

D- The refusal to grant an optional insurance, its cancellation, increasing its fee, decreasing the value of the cover or the effecting of any negative change to its conditions.

E- The refusal of the employment application.

Article 16:

In case the applicant for the report, and having obtained the same, shall issue a negative decision based totally or partially upon any of the information included in

the report, then it shall inform the person, the subject matter of the report, with the negative decision in addition to the following information:

A- The name and address of the company from which it has obtained the report.

B- The person's right to obtain a copy of the said report free of charge and his right to challenge the information included within the same pursuant to the provisions of the paragraph (A) of the articles Nos. (20) and (25) of this Law.

Article 17:

The applicant for the report, which has committed itself to address a proposal pursuant to the provisions of the article No. (9) of this Law, shall cause the proposal to include a full and clear statement of the following matters:

A- That the person has received the proposal having satisfied a specific standard.

B- That the person is entitled to ban the company from including his name within the merits lists pursuant to the provisions of the paragraph (C) of the article No. (9).

Article 18:

The company shall reveal the information included in his register which matter shall be in writing being clear and thorough and upon his request as follows:

A- All the information available in the register of the said person on the date of the request.

B- The resources from which the said information have been obtained.

C- The name and address of each person who have obtained a credit report related to the person requesting the revealing for any reason whatever during the five years that precede the date of submitting the request.

D- All the information related to the returned checks drawn by him being mentioned in the register including their dates, the name of the beneficiary and their value.

E- The names and addresses of all the persons who have obtained merits lists that included the name of the person requesting the revealing within the two years preceding the date of the request.

F- A summary for his rights stated upon within this Law.

Article 19:

The company shall assign any of its employees to assume the explaining and clarifying of the information revealed pursuant to the provisions of the article No. (18) of this Law.

Article 20:

A- In case the person shall object before the company to any of the information available in his register being incomplete, untrue or not thorough, then the company shall consider the issue of the objection within thirty days as from the date of being served with the same.

B- The company shall, within a period of not more than five working days as from the date of being served with the object pursuant to the provisions of the paragraph (A) of this article, notify the resource of the information, the subject matter of the objection of having an objection together with stating at all the information related to it in addition to any other information that may be submitted by the objector thereafter.

C- In case the investigation shall arrive to the conclusion that the objection is true in part or in full or that it shall not be possible to assure the truthfulness of the information, then the company shall promptly delete the information, the subject matter of the objection from the register or cause them to be amended according to the case.

Article 21:

A- Upon the request of the objector, the company shall provide him in writing with the measures that have been adopted in the process of the investigation within a period that shall not exceed fifteen days as from the date of submitting the objection request.

B- The company shall cause the objector to be notified in writing with the conclusions of the investigation carried out pursuant to the provisions of the paragraph (A) of the article No. (20) of this Law within a period that shall not exceed five working days as from the date of its being finished.

C- The notification mentioned in the paragraph (B) of this article shall include as follows:

1- A copy of the person's credit report after the amendment, if any.

2- A summary for the rights of the objector as provided for by the articles Nos. (22) and (23) of this Law in case it the conclusion of the investigation shall reveal the untruthfulness of the objection.

Article 22:

A- In each credit report issued by it during the period of the investigation, the company shall indicate the objection submitted against any of the information included within the report.

B- In case the investigation shall not result in the settlement of the objection, then, the company shall, upon the request of the objector, perform as follows:

1- To indicate the objection in any subsequent credit report related to the objector which shall include the information objected against.

2- To cause the report to include a clear summary for the truthfulness of the information objected against as deemed by the objector.

3- To notify any party specified by the objector whatever having obtained a credit report that is related to him of the occurrence of the objection at least six months prior to the date of that request in case the said report shall include any of the information, the subject matter of the objection.

C- The company may reject the request of the objector mentioned in the paragraph (B) of this article in case it shall have serious causes to believe the objection to be useless and its being run out of any basis for truthfulness. However, the governor may, upon the request of the objector, obligate the company to approve the request.

Article 23:

In case of canceling any information included in the register of the objector or amending the same, then the company shall inform any party whatever specified by the objector having obtained a credit report that is related to him of the amendment or cancellation at least six months as from the date of submitting the objection request.

Article 24:

The company shall notify the objector in writing in case of reentering any information that were deleted from his register pursuant to the provisions of the paragraph (C) of the article No. (20) of this Law within five working days as from the date of the reentry provided that the notification shall include an indication to the name and address of the resource that has provided it with the said information.

Article 25:

A- The company shall collect a fee against revealing a register to its holder pursuant to the provisions of the article No. (18) of this Law which matter shall not be applicable in case the request fro revealing shall be submitted following a negative decision in case the concerned person shall submit the request within sixty days as from the date on which he shall be served with the said decision.

B- The amount of the fee to be collected by the company shall not however exceed the higher rate set by the governor for the said purpose.

C- The company may not collect a fee against the services and notifications addressed by it in execution for the provisions of this Law.

Article 26:

The resource may not provide the company with information that are related a person in case it shall be of a knowledge or assumed to be so regarding their untruthfulness or non thoroughness. Further, it shall promptly inform the company in case it shall

discover any incompleteness or mistake in any information provided previously by it to the company.

Article 27:

Upon its informing the company of an incidence related to the closure of a credit account held with it, the resource shall state whether the closure has been made upon the request of its client or otherwise.

Article 28:

A- The resource that shall receive a notification pursuant to the provisions of the paragraph (B) of the article No. (20) of this Law to the effect of the availability of an objection against the information provided by it to the company shall act as follows:

1- To verify the truthfulness of the submitted objection.

2- To inform the company with the conclusions at which it shall arrive before the expiration of the term provided for in the paragraph (A) of the article No. (20) of this Law.

B- In case it shall be shown to the resource that the objection is true whether in part or in full, then it shall inform the company which it has provided with any of the information, the subject matter of the objection, regarding the amendments occurred to them.

C- Upon its providing the company with any information being subject to objection, the resource so indicate.

Article 29:

A- Any bank shall, prior to informing the company of the information related to the returned checks of any client held with it, act as follows:

1- To notify the client regarding the incidence of returning the check and the reason for rejecting its honoring within three working days as from the date of refusing the honoring.

2- To grant the client a delay that shall not exceed fifteen working days as from the date of rejecting the honoring to enable him carry out a settlement concerning the returned check and to serve it upon the bank.

B- In case the bank shall be notified to the effect of the availability of a court dispute regarding a returned check, then it shall inform the company of the availability of such dispute while the company shall state upon the said information in credit report that shall include an indication to the said check.

Article 30:

The resource may not inform the company of the delay of the person regarding the honoring of a credit account held with the said resource unless having effected all of the matters as follows:

A- To notify the person in writing of the delay incidence.

B- To grant the person a delay that shall not exceed thirty days to settle the account to be commencing as from the date of the notification.

C- To indicate in the notification that it has the right to inform the company of the incidence of the delay in honoring in case the account shall not be settled within the term mentioned in the paragraph (B) of this article.

Article 31:

A- Nevertheless of the provisions of any other legislation, the proving may be effected in all the cases of the credit information by all the means of proving including the electronic data or those delivered by the computer as well as the recordings of the telephone and the correspondences of the telex devices in addition to those of the facsimile.

B- The company that uses the computer or others of the modern technical machines in regulating its financial operations shall be exempted from maintaining the commercial books required by the applicable Commercial Law while the information obtained from the said machines or others of the modern methods shall stand as commercial books.

Article 32:

Each employee working for the company who may reveal any credit information that are available at the company's registers to any person whom he knows his being unauthorized to obtain the same pursuant to the provisions of this Law shall be subject to the punishment of being sentenced to jail for a term of not less than four months and not more than two years or by the payment of a fine that shall not be less than one thousand Dinar and not more than ten thousand Dinars or by both of the said penalties.

Article 33:

Each person who shall obtain or look through a credit report other than the cases provided for in the articles Nos. (7) and (9) of this Law shall be subject to the punishment of being sentenced to jail for a term of not less than four months and not more than two years or by the payment of a fine that shall not be less than one thousand Dinar and not more than ten thousand Dinars or by both of the said penalties.

Article 34:

Each person who shall break the provisions of the article No. (14), the paragraph (A) of the article No. (20) and the article No. (26) of this Law shall be subject to the punishment of being subjected to the payment of a fine that shall not be less than five thousand Dinars and not more than ten thousand Dinars.

Article 35:

The company which shall break any of the provisions of the articles Nos. (3), (7) and (10) of this Law shall be subject to the punishment of being subjected to the payment of a fine that shall not be less than ten thousand Dinars and not more than one hundred thousand Dinars.

Article 36:

The Prime Minister and the Ministers are assigned to mission to execute the provisions of this Law.