

# *The Credit Reporting Agencies Act*

*Repealed*

by [Chapter C-43.2](#) (effective March 1, 2005).

*Formerly*

[Chapter C-44](#) of *The Revised Statutes of Saskatchewan, 1978* (effective February 26, 1979) as amended by *The Revised Statutes of Saskatchewan, 1978 (Supplement)*, c.12; and by the *Statutes of Saskatchewan, 2000*, c.53.

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER C-44

### An Act respecting Credit Reporting Agencies

#### SHORT TITLE

##### Short title

- 1 This Act may be cited as *The Credit Reporting Agencies Act*.

#### INTERPRETATION

##### Interpretation

- 2(1) In this Act:

- (a) **“consumer”** means an individual;
  - (b) **“credit report”** means any written, oral or other communication by a credit reporting agency as to the financial rating of consumers;
  - (c) **“credit reporting agency”** means a person who is engaged in the business of furnishing information to subscribers as to the financial rating of persons;
  - (d) **“file”** means all the information about a consumer recorded or retained by a credit reporting agency regardless of how the information is stored;
  - (e) **“investigative information”** means information respecting a consumer’s character, general reputation, personal characteristics or mode of living that is obtained through personal interviews with neighbours, friends or associates of the consumer or with others to whom the consumer is known;
  - (f) **“licence”** means a valid and subsisting licence under this Act;
  - (g) **“minister”** means the member of the Executive Council to whom for the time being is assigned the administration of this Act;
  - (h) **“registrar”** means the member of the public service designated by the minister as the registrar for the purposes of this Act.
- (2) This Act does not apply to a credited reporting agency where the reports of the agency deal only with industrial or commercial enterprises and are distributed only to such enterprises.

R.S.S. 1978, c.C-44, s.2.

#### LICENCES

##### Unlicensed credit reporting agencies prohibited

- 3 No person shall operate or act as a credit reporting agency unless he is the holder of a licence under this Act.

R.S.S. 1978, c.C-44, s.3.

**c. C-44****CREDIT REPORTING AGENCIES****Holding out prohibited**

4 No person shall hold himself out as a credit reporting agency unless he is the holder of a licence under this Act.

R.S.S. 1978, c.C-44, s.4.

**Application for licence**

5(1) Every application for a licence shall be made to the registrar upon a form provided by him and shall be accompanied by the fee prescribed by the regulations.

(2) Every applicant for a licence may be required by the registrar to verify by affidavit or otherwise the statements made by him in the application.

R.S.S. 1978, c.C-44, s.5.

**Address for service**

6(1) Every applicant for a licence shall state in his application for the licence an address for service in Saskatchewan, and, subject to subsection (2), any notice to be served on him under this Act or the regulations shall for all purposes be sufficiently served if it is served personally or is personally delivered at or sent by registered mail to that address.

(2) Where a licensee has pursuant to subsection (3) notified the registrar in writing of a change of address for service, any notice under this Act or the regulations shall be sufficiently served if it is served personally or is personally delivered at or sent by registered mail to the latest address for service of the licensee.

(3) Every licensee shall, within ten days after a change in his address for service, notify the registrar in writing of his new address for service.

(4) Where a notice is sent to a licensee by registered mail, the notice shall be deemed to have been served on the licensee on the second day after the date of the postmaster's receipt for the envelope containing the notice.

R.S.S. 1978, c.C-44, s.6.

**Licence of firm**

7(1) In this section “**firm**” means:

- (a) a person who is a sole proprietor of a business and who uses as his business name a name other than his own or uses his own name with the addition of some other word or phrase; or
- (b) persons who are associated as partners in a business;

and the name in which the firm carries on business is called the firm name.

(2) A firm may apply for and obtain a licence to operate or act as a credit reporting agency in the firm name; and no firm shall operate or act as a credit reporting agency under a name other than the name shown in its licence.

(3) Every firm shall in its application for a licence state the firm name and, if a sole proprietor, the name of the sole proprietor or, if a partnership, the names of the partners.

(4) The licence, if granted to the firm, shall be deemed to be issued in the name of the sole proprietor, or in the names of the partners, as the case may be, as the person or persons carrying on business in the firm name.

(5) Any change in the membership of a firm or in the name of a firm shall be deemed to create a new firm and to terminate any existing licence.

R.S.S. 1978, c.C-44, s.7.

**Granting or refusing a licence**

8 The registrar may grant a licence where, in his opinion, the applicant is suitable to be licensed and the proposed licensing is not for any reason objectionable; but the registrar may refuse to grant a licence if after investigation he is for any reason of the opinion that the applicant should not be granted a licence.

R.S.S. 1978, c.C-44, s.8.

**Licence may be subject to terms, etc.**

9(1) The registrar may grant a licence subject to such terms, conditions and restrictions as he considers necessary.

(2) Where a licence has been granted, the registrar may, by notice to the licensee:

- (a) make the licence subject to such terms, conditions and restrictions; or
- (b) vary, add to or revoke any terms, conditions and restrictions to which the licence is subject;

as the registrar considers necessary.

(3) Every licensee shall comply with the terms, conditions and restrictions to which his licence is subject.

R.S.S. 1978, c.C-44, s.9.

**Expiry date of licence**

10 Unless previously cancelled, every licence expires five years from the day on which it was issued.

R.S.S. 1978 (Supp.), c.12, s.2.

**Suspension and cancellation of licence**

11(1) The registrar may suspend or cancel a licence upon any ground on which he might have refused to grant the licence or where he is satisfied that the licensee:

- (a) has violated any provision of this Act or has failed to comply with any of the terms, conditions or restrictions to which his licence is subject;
- (b) has made a material mis-statement in the application for his licence or in any of the information or material submitted by him to the registrar pursuant to a request of the registrar under section 13;
- (c) has been guilty of any misrepresentation, fraud or dishonesty; or
- (d) has demonstrated his incompetency, unfitness, or untrustworthiness to operate or act as a credit reporting agency.

(2) Where a licence is suspended or cancelled under subsection (1), the suspension or cancellation is effective on the day on which the notice thereof is served on the licensee.

(3) Where a bond filed by a person under this Act is terminated, the licence of that person is automatically suspended and shall remain so suspended until the person files with the registrar a new bond in the amount and form required.

R.S.S. 1978, c.C-44, s.11.

**Effect of cancellation**

**12** A person whose licence is cancelled is not entitled to a new licence until the expiration of one year after the cancellation.

R.S.S. 1978, c.C-44, s.12.

**Registrar may require further information**

**13** The registrar may at any time require further information or material to be submitted by an applicant for a licence or by a licensee within a specified time and may require verification by affidavit or otherwise of any information or material so submitted or previously submitted.

R.S.S. 1978, c.C-44, s.13.

**Request for hearing**

**14(1)** An applicant for a licence or a licensee who is dissatisfied with a decision of the registrar under this Act may within thirty days after the date of the decision apply in writing to the registrar for a hearing and thereupon the registrar shall fix a date for the hearing which, unless otherwise agreed, shall be held not later than seven days after the date of the receipt of the application for the hearing.

(2) The registrar shall in writing within ten days of the conclusion of the hearing render a decision giving the reasons therefor and he shall thereupon send a copy of the decision and reasons to the applicant or licensee forthwith.

(3) The applicant or licensee may in any hearing before the registrar be represented by counsel.

(4) For the purpose of holding a hearing the registrar:

- (a) may require and may take and receive affidavits, statutory declarations and depositions;
- (b) may examine witnesses upon oath and may administer the oath;
- (c) has the same power that any court has in civil cases to:
  - (i) summon persons to attend as witnesses and to give evidence;
  - (ii) enforce the attendance of witnesses; and
  - (iii) compel witnesses to produce books, documents and things.

R.S.S. 1978, c.C-44, s.14.

## BOND

**Required to be filed by applicants**

**15(1)** Every applicant for a licence shall file with the registrar as part of the application a bond in the amount and form prescribed by the registrar, issued by an insurer licensed under *The Saskatchewan Insurance Act* to transact guarantee insurance.

(2) Notwithstanding that Her Majesty in right of Saskatchewan has not suffered any loss or damages, every bond filed with the registrar under subsection (1) shall be construed as being a penal bond and where any such bond is forfeited pursuant to subsection (3), the amount due and owing as a debt to Her Majesty in right of Saskatchewan by the person bound thereby shall be determined as if Her Majesty suffered such loss or damages as would entitle Her Majesty to be indemnified to the maximum amount of liability prescribed by the bond.

(3) Every bond filed under subsection (1) shall be forfeited upon the demand of the registrar where:

- (a) the person in respect of whose conduct the bond is conditioned or any representative of that person has been convicted of an offence;
  - (i) under this Act;
  - (ii) involving fraud or theft or conspiracy to commit an offence involving fraud or theft under the *Criminal Code*;
- (b) final judgment in respect of a claim:
  - (i) arising out of a credit report; or
  - (ii) arising out of a contract with a person to whom credit reports are to be furnished;

has been given against the person in respect of whose conduct the bond is conditioned or against any representative of that person;

- (c) the person in respect of whose conduct the bond is conditioned commits an act of bankruptcy, whether or not proceedings have been taken under the *Bankruptcy Act* (Canada); or
- (d) a decision has been rendered by the registrar in writing stating in effect that after consideration and investigation of a complaint, he is satisfied that the person in respect of whose conduct the bond is conditioned or any representative of that person:
  - (i) has violated a provision of this Act or has failed to comply with any of the terms, conditions or restrictions to which his licence is subject or is in breach of a contract; and
  - (ii) has departed from Saskatchewan, or being out of Saskatchewan remains out of Saskatchewan, or departs from his dwelling house or otherwise absents himself, or in the case of a corporation, the name thereof has been struck off the register of companies;

and such conviction, judgment, order or decision has become final by reason of lapse of time or having been confirmed by the highest court to which any appeal may be taken.

- (4) Where a bond that is secured by the deposit of collateral security is forfeited under subsection (3), the registrar may sell the collateral security at the current market price.
- (5) The registrar may pay any money recovered under a forfeited bond or realized from the sale of any collateral security to:
- (a) the local registrar of the Court of Queen's Bench in trust for those persons who may become judgment creditors of the person named in the bond for claims arising out of credit reports or contracts pursuant to which the credit reports are to be furnished on any terms the registrar considers appropriate;
  - (b) any trustee, custodian, interim receiver, receiver or liquidator of the person named in the bond on any terms the registrar considers appropriate; or
  - (c) any person that the registrar considers entitled to the money for a claim arising out of a credit report or contract pursuant to which a credit report is to be furnished.
- (6) The registrar shall pay any money not paid pursuant to subsection (5) to the surety or obligor under the bond after the payment of any expenditures incurred by the registrar in connection with the forfeiture of the bond and the determination and settlement of valid claims.

R.S.S. 1978, c.C-44, s.15; 2000, c.53, s.3.

## APPEAL FROM REGISTRAR'S DECISION

### **Appeal to judge of the Court of Queen's Bench**

**16(1)** A person who is dissatisfied with a decision of the registrar under section 14 may, within thirty days from the date of the decision, appeal to a judge of the Court of Queen's Bench who may upon hearing the appeal by order do any one or more of the following things:

- (a) dismiss the appeal;
- (b) allow the appeal;
- (c) allow the appeal subject to terms and conditions;
- (d) vary the decision appealed against;
- (e) refer the matter back to the registrar for further consideration and decision;
- (f) award costs of the appeal;
- (g) make such other order as to him seems just.



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(2) The appeal shall be by notice of motion and a copy thereof shall be served upon the registrar not less than ten days before the day on which the motion is returnable.

(3) There shall be no further appeal.

R.S.S. 1978, c.C-44, s.16.

## REGULATION OF CREDIT REPORTING AGENCIES

**Prohibition respecting divulging of certain information**

**17** No credit reporting agency shall knowingly divulge the contents of any file or furnish any credit report to any person other than to:

- (a) a person who requires the information for the purpose of a decision in respect of a consumer's application for credit, insurance, employment or tenancy or any other legitimate business purpose;
- (b) the assignee of an agreement for credit, insurance or tenancy;
- (c) any federal, provincial or municipal government or any agencies thereof or any police officer acting in that capacity; or
- (d) the consumer who is the subject of the credit report.

R.S.S. 1978, c.C-44, s.17.

**Exclusion of certain information from credit reports**

**18** No credit reporting agency shall include in a credit report:

- (a) information regarding any bankruptcy that occurred fourteen or more years prior to the making of the credit report;
- (b) information regarding writs issued more than twelve months prior to the making of the credit report if the present status of the action is not ascertained;
- (c) information regarding any writs, judgments or debts that are statute barred;
- (d) any other adverse factual or investigative information that is more than seven years old unless it is voluntarily supplied by a consumer or is otherwise permitted by this Act; or
- (e) any investigative information unless reasonable efforts have been made to corroborate the information.

R.S.S. 1978, c.C-44, s.18.

**Certain procedures to be followed**

**19** Every credit reporting agency shall take reasonable steps to assure the maximum accuracy of any information in a credit report.

R.S.S. 1978, c.C-44, s.19.

**c. C-44****CREDIT REPORTING AGENCIES****Records to be kept**

**20** Every credit reporting agency shall maintain a record in connection with the file of each consumer in respect of whom it has compiled information showing the name and address of each person, including the consumer, to whom the agency has furnished a credit report, the manner in which the report was conveyed, whether by telephone, in person, in writing or otherwise and the date of the credit report.

R.S.S. 1978, c.C-44, s.20.

**Disclosure to consumer of receipt of credit reports**

**21** Every person who has obtained a credit report concerning a consumer shall, upon the request of the consumer, state the date of any credit report obtained within the preceding twelve months respecting the consumer and shall state the name and address of the credit reporting agency that furnished the credit report.

R.S.S. 1978, c.C-44, s.21.

**Disclosure to consumer of credit reports furnished**

**22** Every credit reporting agency shall, upon request of a consumer, state whether or not it has furnished a credit report concerning the consumer to any person within the preceding twelve months and shall state the name and address of each person to whom any such credit report was furnished.

R.S.S. 1978, c.C-44, s.22.

**Disclosure to consumer of certain information on file**

**23** Every credit reporting agency shall, upon the request of, and after the presentation of reasonable identification by, a consumer, clearly and accurately disclose to the consumer the nature and substance of all information in its file respecting the consumer at the time of the request; but a credit reporting agency is not required to disclose the sources of investigative information.

R.S.S. 1978, c.C-44, s.23.

**Witness to disclosure to consumer**

**24** A consumer may be accompanied by one witness who shall identify himself to the credit reporting agency and in whose presence a credit reporting agency shall make the disclosures required by section 23.

R.S.S. 1978, c.C-44, s.24.

**Dispute by consumer respecting information on file**

**25(1)** Where a consumer disputes the completeness or accuracy of any information respecting the consumer contained in the file of a credit reporting agency and gives notice thereof in writing to the agency, the agency shall within a reasonable time investigate and record the current status of that information.

(2) Where, after the investigation, any information in the file respecting the consumer is found to be inaccurate or can no longer be verified, the agency shall forthwith delete the information from the file and shall notify the consumer in writing of the deletion.

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(3) Where, after the investigation, the credit reporting agency is of the opinion that the information in the file respecting the consumer is reasonably accurate and should not be deleted, the agency shall forthwith request the consumer to file a brief statement setting forth the nature of his dispute respecting the information.

(4) Where a statement of dispute is filed by a consumer pursuant to a request under subsection (3), the credit reporting agency shall, in any subsequent credit report containing the information in respect of which the dispute was filed, clearly note that the information is disputed by the consumer and attach to the credit report a copy of the consumer's statement or a clear and accurate summary thereof.

(5) Where:

- (a) a credit reporting agency deletes information from the file respecting a consumer; or
- (b) a statement of dispute is filed with a credit reporting agency by a consumer under this section;

the credit reporting agency shall forthwith notify every person to whom a credit report respecting the consumer was furnished during the twelve months immediately preceding of the deletion of the information or the details of the dispute, as the case may be.

R.S.S. 1978, c.C-44, s.25.

**Supplying false information prohibited**

**26** No person shall knowingly supply false or misleading information respecting a consumer to any credit reporting agency.

R.S.S. 1978, c.C-44, s.26.

## MISCELLANEOUS

**Certificate of registrar *prima facie* evidence**

**27** A certificate stating that:

- (a) a person named in the certificate was or was not licensed at a particular time under this Act;
- (b) the licence of a person was suspended, cancelled or reinstated at a particular time;

purporting to be signed by the registrar is, without proof of office or signature of the registrar, admissible in evidence as *prima facie* evidence of the facts stated in the certificate.

R.S.S. 1978, c.C-44, s.27.

**Regulations**

**28** The Lieutenant Governor in Council may make regulations:

- (a) prescribing requirements respecting applicants for licences;

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- (b) prescribing the fees payable for licences and other services in connection with the administration of this Act;
- (c) exempting any person or class of persons from this Act or any of the provisions of this Act;
- (d) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

R.S.S. 1978, c.C-44, s.28.

**OFFENCES AND PENALTIES****Offences**

**29** A person who:

- (a) does anything that is prohibited by this Act; or
- (b) omits to do anything that is required by this Act or the regulations to be done;

is guilty of an offence against this Act.

R.S.S. 1978, c.C-44, s.29.

**Penalty**

**30(1)** A person who is guilty of an offence against this Act is liable on summary conviction to a fine of not less than \$50 or more than \$1,000 and in default of payment to imprisonment for a term not exceeding six months.

(2) Notwithstanding subsection (1), where the person convicted of an offence against this Act is a corporation the maximum penalty may be increased to an amount not exceeding \$5,000.

R.S.S. 1978, c.C-44, s.30.

**Evidence of carrying on business**

**31** Where in a prosecution for an offence against this Act it is alleged that the accused operated or acted as a credit reporting agency without being the holder of a licence, evidence that a person furnished information to a subscriber as to the financial rating of a person is *prima facie* evidence that the accused operated or acted as a credit reporting agency.

R.S.S. 1978, c.C-44, s.31.

**Limitation of prosecution**

**32** No prosecution for an offence against this Act shall be commenced after two years from the date of the alleged offence.

R.S.S. 1978, c.C-44, s.32.