

UNOFFICIAL TRANSLATION

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PARLIAMENT OF THE REPUBLIC OF MOLDOVA

**LAW
on bureaus of credit history***

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Note: Throughout the law, the words "competent public authority" and "commercial bank", in any grammatical form, shall be replaced by the words "supervisory authority" and "licensed bank" respectively, in the corresponding grammatical form according to Law No 214 of 20.07.2023, in force as of 03.08.2023

In order to create the conditions for the formation, processing, storage and presentation by the bureaus of credit history of information characterizing the borrowers' compliance with the obligations assumed by credit contracts, taking into account the need to increase the degree of protection of creditors and borrowers on the account of the general reduction of credit risks, in order to increase the efficiency of the activity of banks and other companies granting credit within the meaning of this law.

The Parliament adopts this organic law.

[Preamble amended by Law No 32 of 27.02.2020, in force as of 02.05.2020]

Chapter I
GENERAL PROVISIONS

Article 1. Object of the law

(1) This law determines the concept and composition of credit history, the grounds, the manner of formation, storage and use of credit history, regulates the functioning of bureaus of credit history in connection with the above-mentioned activities, establishes the peculiarities of creation, liquidation and reorganization of the bureaus of credit history, as well as the principles of their cooperation with the sources of creating credit history, with the users of credit history, ministries, other central administrative authorities, local public administration authorities.

(2) This law regulates the relationships arising in the creation of credit history, the submission of credit reports, the establishment, operation and termination of the bureaus of credit history, the performance of the activity of credit history sources in respect of the submission of information forming part of the credit history, the protection of information contained in credit history and other relationships, including those arising between:

a) persons who grant credit to the subjects of credit history in accordance with the credit agreements concluded with them, on the one hand, and the named subjects of credit history, on the other hand;

b) bureaus of credit history and the sources from which the credit history is compiled;

c) bureaus of credit history and users of credit history;

d) bureaus of credit history and the subjects of credit history;

e) bureaus of credit history the supervisory authority.

Article 2. Notions used

For the purposes of this law, the following concepts shall mean:

supervisory authority - the National Bank of Moldova;

database of the bureau of credit history - the information resources of the bureau of credit history, based on information systems and processes, which meet the requirements of the legislation;

bureau of credit history - a legal entity governed by private law established in the form of a limited liability company or joint-stock company, registered in accordance with the legislation, which provides, in accordance with this law, services of establishing, processing and maintaining credit history, as well as credit reporting, and related services;

credit contract - a contract under which one contracting party grants credit to the other contracting party;

credit – any commitment to lend money on condition of repayment, payment of interest and other related payments, and any other commitment resulting from the performance of insurance mediation contracts; any extension of the repayment period; any commitment to sell goods, execute works or render services on condition of deferred payment, including on a leasing basis; any loan agreement in the framework of a participatory financing project; any guarantee issued; any commitment to purchase a debt or other rights to make a payment. For the purposes of this law, funds provided by investors and raised by issuers in connection with the issuance of bonds or other debt securities shall not be considered as credit;

outsourcing - the transfer by the bureau of credit history of the functions of establishment, processing and maintenance of credit history, as well as of submission of credit reports and provision of related services, to another office of credit history in the Republic of Moldova;

credit history - information, the content of which is determined by this law and which characterizes the performance by the borrower of the obligations assumed under the credit agreement and is kept at the bureau of credit history;

participants in the exchange of information - subjects of credit history, sources of establishing the credit history, bureaus of credit history, users of credit history;

person in a position of responsibility of the bureau of credit history - a person to whom, in accordance with this law, certain rights and obligations are granted, on a permanent or temporary basis, for the purpose of exercising administrative actions of disposition and/or access to the database of the bureau of credit history;

credit history processing - any operation or set of operations which is performed on the information contained in a credit history, such as collection, recording, registration, organization, storage, preservation, maintenance, restoration, adaptation, adaptation, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise, alignment or combination, blocking, erasure or destruction;

credit report - a document containing information which is part of the credit history and which the bureau of credit history submits at the request of the user of the credit history and other persons authorized under this law with the right to receive the said information;

subject of the credit history - a natural person, including an individual entrepreneur, or a legal entity who applies for a credit or is a party to the credit contract, as well as the person guaranteeing the performance of contractual obligations (guarantor, mortgagor/guarantor, mortgage guarantor), in respect of whom the credit history is formed;

credit history originator - a legal entity that submits to the bureau of credit history information that forms part of the credit history, including, but not limited to, a licensed bank, an insurance (reinsurance) company that lends under insurance legislation, a savings and loan association, a non-bank lending organization, providers of equity financing services, as well as legal entities providing utilities and telecommunication services;

credit history user - a legal entity or individual entrepreneur granting credit or providing goods and services on credit within the meaning of this law, as well as the public institution "Organization for Entrepreneurship Development" and the Ministry of Labour and Social Protection.

[Art. 2 supplemented by Law No 181 of 07.07.2023, in force as of 01.03.2024]

[Art. 2 supplemented by Law No 292 of 19.10.2023, in force as of 21.10.2023]

[Art. 2 amended by Law No 178 of 11.09.2020, in force as of 01.07.2023]

[Art. 2 amended by Law No 156 of 09.06.2022, in force as of 01.07.2022]

[Art. 2 amended by Law No 175 of 11.11.2021, in force as of 10.01.2022]

[Art. 2 amended by Law No 23 of 27.02.2020, in force as of 20.03.2021]

[Art. 2 supplemented by Law No 294 of 21.12.2017, in force as of 19.01.2018]

Article 3. Legislation on bureaus of the credit history

(1) The legislation on bureaus of credit history shall consist of this law, other laws regulating the legal relations related to the activity of bureaus of credit history, as well as other normative acts elaborated for the implementation of these laws.

(2) If the international treaties to which the Republic of Moldova is a party lay down other regulations than those contained in this law, the rules of the international treaties shall apply.

Article 4. Principles for the establishment, storage, use, processing, transmission and destruction of the credit history information

The creation, storage, use, processing, transmission and destruction of credit history information shall be carried out in accordance with the following principles:

a) processing of the personal data of the subject of the credit history in compliance with personal data protection legislation;

b) equal rights for the subjects of credit history;

c) use of credit history and credit history information as intended. According to this law, the use of credit history information by the users of the credit history shall be permitted only for the purpose of estimating the risks involved in granting credit to the subject of the credit history and/or managing an existing credit account;

d) confidentiality of credit history information, except as provided for in this law;

e) ensuring the protection of credit history information from improper and/or unauthorized obtaining, alteration and/or use;

f) inviolability of privacy, protection of the rights, legitimate interests and freedoms of the subjects of credit history;

g) reciprocity in providing/receiving information to/from the bureau of credit history, which implies the possibility of receiving information from the bureau of credit history only on the condition of providing the information constituting credit history.

[Art. 4 amended by Law No 175 of 11.11.2021, in force as of 10.01.2022]

Chapter II

THE CREATION AND USE OF CREDIT HISTORY

Article 5. Content of the credit history

(1) The credit history of the subject of the credit history consists of:

- a) the introductory part;
- b) the basic part;
- c) the supplementary part.

(2) The introductory part of the credit history shall contain the following information about the subject of the credit history:

a) natural person - name, surname, given name, patronymic, date of birth, series and number of identity document, personal identification number (IDNP) assigned by the competent authority of the State of which the natural person is a national or the State where the natural person is domiciled (in the case of stateless persons);

b) legal entity - full and abbreviated name (if any), address of the registered office or address of the permanent executive body (in case of the absence of a permanent executive body - of another body or person authorized to act without power of attorney on behalf of the legal entity), other contact information (telephone, fax, e-mail address), the State identification number (IDNO) assigned by the competent authority of the State where the legal entity was registered and the date of its registration, information on the reorganization of the legal entity, if it has been reorganized.

(3) The basic part of the credit history shall contain the following information:

1) concerning the subject of the credit history natural person:

a) residence, other contact information, as applicable (telephone, fax, e-mail address);
b) information on the registration of the natural person as an individual entrepreneur, if applicable;

2) on the subject of the credit history of the legal entity:

a) information on the insolvency proceedings, if the court has received for examination the application for insolvency proceedings in respect of the legal entity (date and number of the civil case concerning the insolvency of the legal entity, name and seat of the court examining the case, insolvency proceedings applied, information on the status of the insolvency proceedings, including the payment of the claims of creditors on the borrower's estate);

b) the basic parts of the credit history of reorganized legal entities that have ceased to exist, if the legal entity was created by reorganization;

3) relating to the borrower's obligation:

a) information on the credit application:

- date of application, amount applied for, currency, type of contract;
- method and amount of repayment insurance;
- name(s) and address of the creditor;

b) information on the credit granted:

- date of credit granted;
- amount of credit;
- amount of the borrower's obligation at the date of conclusion of the credit contract;
- time limit for full performance of the borrower's obligation under the credit contract;
- period of payment of interest and other related payments in accordance with the credit contract;
- details of any amendments and/or additions to the credit contract which alter the information contained in the credit history, including the time limit for discharging the obligations;

c) information on the method of repayment of the credit granted:

- date and number of obligations performed by the borrower in full volume;
- date and number of outstanding obligations (subject to the expiry of 30 days after the date on which the payments under the contract became due);
- discharge of the claim against the collateral in the event of default by the borrower under the contract;

- information on the examination by the courts and/or arbitration bodies of disputes relating to the credit contract, the content of the operative provisions of judgments which have been given and have entered into force.

(4) The basic part of the credit history may contain the information provided for in the contract signed between the bureau of credit history and legal entities of public and private law, in accordance with the provisions of art. 11 par. (1) letter g), as well as on the basis of measures necessary for the conclusion of the contract, at the request of the subject of the credit history, or the performance of the contract, including on the basis of the legitimate interest of creditors.

(5) The additional part of the credit history shall contain the following information about the credit history source and credit history users: full and abbreviated name (if any), state identification number (IDNO), date of submission by the credit history user, and date of submission by the credit history source.

(6) In the case of the subject of the credit history who is a natural person or legal entity guaranteeing the performance of the borrower's contractual obligations, the credit history originator shall submit to the credit bureau only the information contained in the introductory part of the credit history.

(7) The credit history of the subject of the credit history of an individual entrepreneur shall be drawn up in accordance with the requirements laid down for the subject of a credit history of a legal entity.

(8) The basic part of the credit history may also include the individual assessment (rating) of the subject of the credit history, calculated on the basis of the methods approved by the bureau of credit history.

(9) The credit history shall include data on any changes to the information contained therein.
[Art. 5 par. (4), (6) amended by Law No 175 of 11.11.2021, in force as of 10.01.2022]

Article 6. Submission of information to the bureau of credit history

(1) The credit history sources shall have the right to submit, in the manner provided for by this law and the normative acts of the supervisory authority, all the information at their disposal, among those specified in art. 5, regarding all borrowers who are legal entities, individual entrepreneurs, as well as regarding borrowers who are natural persons, to the bureau of credit history with which they have concluded a contract for the provision of information services. Contracts for the provision of information services may be concluded with several credit register offices.

(2) By derogation from par. (1), banks, non-bank credit organizations and providers of participatory financing services shall be bound to submit, in the manner provided for by this law and the normative acts of the supervisory authority, all the information at their disposal, among those specified in art. 5, regarding all borrowers who are legal entities, individual entrepreneurs, as well as regarding borrowers who are natural persons, to at least one bureau of credit history.

(3) The manner and conditions of submission of the information shall be laid down in the information service contract.

(4) In the case of the subject of the credit history who is a natural person, the credit history reference source shall submit information to the bureau of credit history on the condition of the existence of the contractual relationship or for the purpose of taking measures prior to the conclusion of the contract at the request of the subject of the credit history, including in the case of the existence of a legitimate interest in relation to the information. The bureau of credit history shall keep a record of the legal basis stated by the source of the credit history, including in the case of access to the data, for a period equal to the period for which the credit history is kept.

[Art. 6 par. (5), (6) repealed by Law No 175 of 11.11.2021, in force as of 10.01.2022]

(7) Credit history sources shall submit the information to the bureau of credit history within the period stipulated in the contract for the provision of information services, but not exceeding 7

working days from the date of execution of the action (occurrence of the event) to which the information contained in the credit history refers, in accordance with this law, or from the day when the credit history source learned or should have learned about the execution of such action (occurrence of such event).

(8) The submission by the sources of credit history formation of the information specified in art. 5 to the credit history bureau in accordance with this article shall not constitute a violation of the obligation to maintain commercial, banking secrecy, confidential information about the client of the non-bank credit organization, as well as the legislation on the protection of personal data.

(9) The credit history sources shall submit information to the bureau of credit history in accordance with the provisions of this law and with the terms of the contracts concluded with the bureau of credit history for the provision of information services, being responsible for the quality of the information submitted and having the obligation to provide accurate and up-to-date information.

(10) The bureau of credit history shall be responsible for the quality of the processing of credit history information and shall not be entitled to alter the information obtained from the sources of credit history information.

(11) The bureau of credit history shall develop and approve its own quality standards applied to the information submitted by the credit history sources, which shall be coordinated with the supervisory authority and with which the credit history sources shall be required to comply.

[Art. 6 par. (2) amended by Law No 181 of 07.07.2023, in force as of 01.03.2024]

[Art. 6 par. (11) in the wording of Law No 214 of 20.07.2023, in force as of 03.08.2023]

[Art. 6 (1), (2) amended, par. (4) in the wording of Law No 175 of 11.11.2021, in force as of 10.01.2022]

[Art. 6 par. (7) amended by Law No 175 of 11.11.2021, in force as of 10.01.2022]

[Art. 6 par. (2), (8) amended by Law No 23 of 27.02.2020, in force as of 20.03.2021]

Article 7. Submission of the credit report

(1) The bureau of credit history submits the credit report to:

a) the credit history user - upon request. That request shall include the information necessary to identify the originator of the request: full and abbreviated name (if any), state identification number (IDNO), date of submission of the request. The credit report submitted to the credit history user will not contain the information in the supplemental portion of the credit history, as well as information regarding the name(s) and address of the creditor(s);

b) the subject of the credit history - at the request of the subject of the credit history in order to acquaint him/her with his/her credit history;

c) other bureaus of credit history - on request, on the basis of a request from the user/subject of the credit history referred to in letter a) or b).

(2) In addition to the information included in the credit history, the credit report submitted to the subject of the credit history must include a prospectus explaining the rights of the subject of the credit history to obtain information from the bureau of credit history, to dispute the content of that information, including the time limit, the conditions for disputing and the liability of the parties in the event of a violation of the subject's rights. The prospectus shall also contain simple instructions on how to read the credit report.

(3) The bureau of credit history shall provide the credit report to the user of the credit history on the basis of the information service contract concluded between the user of the credit history and the bureau of credit history.

(3¹) The bureau of credit history shall submit the credit report to another bureau of credit history under the conditions (including payment) and in the manner laid down by the regulatory acts of the supervisory authority. The bureau of credit history shall not be entitled to alter the content of the credit report submitted by another bureau of credit history, nor to store, in any form whatsoever, in whole or in part, the information contained therein.

(3²) The type, manner and conditions of submission by the bureaus of credit history of the information required by the Ministry of Labour and Social Protection pursuant to art. 7 par. (8) of Law No 241/2022 on the Energy Vulnerability Reduction Fund shall be determined by the Government.

(4) When submitting the credit report to the user of the credit history, the bureau of credit history shall enter the information specified in art. 5 par. (5) in the additional part of the credit history. When submitting the credit report to another bureau of credit history, the bureau of credit history shall enter, in the additional part of the credit history, information on the bureau of credit history to which the credit report was submitted as well as the information specified in art. 5 par. (5) on the user of the credit history who submitted the application on the basis of which the credit report was issued.

(5) The credit report shall be submitted to the user of the credit history or the subject of the credit history, upon request, in one of the following forms:

a) in writing, authenticated by the signature of the head of the bureau of credit history or other duly authorized person;

b) in the form of an electronic document, the legal effects of which are confirmed by an electronic signature in accordance with the law on electronic signatures and electronic documents.

(6) The credit report shall be submitted within the period specified in the information service agreement, but not exceeding 2 working days from the date of submission to the bureau of credit history of the request for submission of the report.

[Art. 7 par. (7)-(10) repealed by Law No 175 of 11.11.2021, in force as of 10.01.2022]

(11) If the credit application has been rejected on the basis of negative information in the credit report, the user of the credit history shall provide the subject of the credit history with a copy of the credit report free of charge.

[Art. 7 par. (12) repealed by Law No 175 of 11.11.2021, in force as of 10.01.2022]

(13) Cross-border transmission of personal data contained in the credit report shall be carried out in accordance with the Law no. 133/2011 on personal data protection.

(14) Users of credit history and other persons who have received, in accordance with this law, access to the information contained in the credit history shall be bound not to disclose such information to third parties not authorized under the law. For failure to comply with the provisions of this paragraph, the guilty persons shall be liable in accordance with civil, misdemeanour or criminal law.

(15) The submission by the bureau of credit history of the information specified in art. 5 to the user of the credit history who is entitled to receive the credit report in accordance with this law shall not constitute a violation of the obligation to maintain commercial, banking secrecy, confidential information on the client of the non-bank credit organization, as well as the legislation on the protection of personal data.

[Art. 7 par. (3²) introduced by Law No 292 of 19.10.2023, in force as of 21.10.2023]

(Art. 7 par. (1), (2) amended, par. (13) in the wording of Law No 175 of 11.11.2021, in force as of 10.01.2022)

[Art. 7 par. (1), (4), (15) amended, par. (3¹) introduced by Law No 23 of 27.02.2020, in force as of 20.03.2021]

Article 8. Safekeeping and protection of information

(1) The bureau of credit history shall ensure that credit history is kept for 5 years from the date of the last modification of the information about the borrower's obligations contained in the credit history, except for information about the credit application, which shall be kept in the bureau of credit history for 15 calendar days.

(2) The bureau of credit history shall ensure the protection of the information when processing, storing and transmitting the information by means that meet the requirements established by the supervisory authority.

(3) All the information specified in art. 5, received by the bureau of credit history in the manner provided for in art. 6, shall constitute restricted information.

(4) The requirements for the collection, retention, storage, processing, transmission and destruction (removal) of credit history information shall be established by the supervisory authority in accordance with the provisions of the law.

(5) Personal data shall be processed under the conditions of this law only if strictly necessary and not excessive in relation to the intended purpose, in accordance with the powers conferred by law, ensuring an adequate level of security and confidentiality with regard to the risks presented by the processing and the nature of the information, in accordance with the principles laid down by the legislation on the protection of personal data.

Article 9. Information service contract

(1) The relations between the bureau of credit history and the sources of credit history formation/users of credit history shall be regulated by the contract on the provision of information services, this law and other normative acts.

(2) The information service contract shall include:

a) the full name, registered office address, bank identifiers of the parties (account number, name and code of the bank where the account is opened);

b) the types, structure, volume, periodicity and presentation of the information constituting the credit history;

c) the obligations of the source of the credit history to provide the bureau of credit history with accurate, complete and up-to-date information;

d) the types, structure, volume, periodicity and manner of presentation of credit reports;

e) the obligation of the credit history user to process personal data based on a legal basis, and the indication of the legal basis;

f) the cost of the information services provided by the bureau of credit history, the conditions for the formation of the price;

g) the cost of the information services provided by the credit history source, if the parties have agreed on this clause;

h) the obligations of the parties to use the credit history information exclusively for its intended purpose, in accordance with art. 4 letter c);

i) the obligations of the bureau of credit history to ensure the confidentiality of information received from the sources of formation of credit history, to ensure the protection of that information during its receipt, storage, processing and presentation to the users and subjects of credit history;

j) the obligations of the credit history user to ensure the confidentiality of the credit report information received from the bureau of credit history;

k) the liability of the parties and the manner of dispute resolution;

l) the clauses concerning the amendment and termination of the contract;

m) the other clauses not contrary to the law.

[Art. 9 par. (2) amended by Law No 175 of 11.11.2021, in force as of 10.01.2022]

Article 10. Rights of the subject of the credit history

(1) The subject of the credit history shall be entitled to receive from each bureau of credit history, where the credit history of the subject is kept, once a year without charge and whenever he/she wishes - against payment, without indicating the reasons, the credit report on his/her credit history, including the information, collected in accordance with this law, on the sources of the credit history and on the users of the credit history, to whom credit reports on the credit history have been issued.

(2) The subject of the credit history shall have the right to challenge, in whole or in part, the information contained in his/her credit history by submitting to the bureau of credit history, where the credit history is kept, a request for amendment and/or supplementing of the credit history.

(3) The bureau of credit history shall, within 30 calendar days from the date of receipt of the request referred to in par. (2), be bound, except in the cases provided for in this law, to carry out additional verification of the information contained in the credit history by requesting it from the source of the credit history. While such verification is being carried out, the credit history shall include a statement to that effect.

(4) In case of confirmation of the information specified in the credit history subject's request referred to in par. (2), the credit history originator shall amend the credit history in the disputed part and forward it to the bureau of credit history, and in case of non-confirmation, shall maintain the credit history unchanged. Reasons shall be given for refusal to comply with the request. Within 30 days of receipt of the request, the bureau of credit history shall be bound to inform the subject of the credit history of the results of the examination of his/her request by the source of the credit history formation, with the submission of the corrected credit report.

(5) The bureau of credit history shall not be bound to carry out future verification of the information contained in the credit history, which has already been disputed, but not confirmed.

(6) The subject of the credit history shall have the right to contest the refusal of the bureau of credit history to comply with the request to amend and/or supplement the credit history, as well as the failure to provide a written response within the time limit referred to in this article on the results of the examination of his/her request, by applying to the supervisory authority and/or the court in accordance with the law. The subject of the credit history shall also be entitled to address to the bureau of credit history a reasoned request for the credit history to contain a statement of the fact of the dispute.

(7) In the case of theft or loss of identity documents, the subject of the credit history shall be entitled to apply to the bureau of credit history for an entry to be made in the credit history.

[Art. 10 par. (4) amended by Law No 175 of 11.11.2021, in force as of 10.01.2022]

Chapter III

BUREAU OF THE CREDIT HISTORY

Article 11. Rights of the bureau of credit history

(1) The bureau of credit history is entitled:

a) to grant, on a contractual basis, and, in the cases provided for by this law, without a contract, services related to the submission of credit reports in the manner provided for by this law and other normative acts;

b) to provide, on a contractual basis, services related to the elaboration, on the basis of the information contained in the credit history held at the respective bureau or obtained under the conditions of letter g), of the scoring and rating methods and/or their application;

c) to provide consultancy services, related to the information assurance of users of credit history and subjects of credit history;

d) to provide, on a contractual basis, statistical services related to the information contained in credit history;

e) to establish, in the manner prescribed by law, associations (unions) for the protection and representation of the interests of its members, the coordination of activities, the fulfilment of scientific, informational and professional interests, the settlement of other tasks of common interest of credit register offices;

f) to obtain, on a contract basis, non-confidential information from the State Register of Population and/or public information from the State Register of Legal Entities and/or the State Register of Individual Entrepreneurs for the purpose of verifying the information contained in the credit history;

g) to obtain, on a contractual basis, from legal entities of public and private law information on pledging (mortgaging) of movable and immovable property, on compliance by the subject of

the credit history with obligations to the national public budget, as well as on the execution of judgments in irrevocable civil cases, concerning the execution of pecuniary obligations, provided that there is a legal basis for the processing of personal data.

(2) With the prior approval of the supervisory authority, the bureau of credit history may also provide information services other than those referred to in par. (1), which in no way prejudice the provision of the services of forming, processing and maintaining credit history and the submission of credit reports.

(3) The bureau of credit history shall not be entitled to carry out any activities other than those provided for in this article.

[Art. 11 par. (1) amended by Law No 175 of 11.11.2021, in force as of 10.01.2022]

Article 12. Outsourcing of the bureau of credit history functions

(1) A bureau of credit history shall have the right to transfer to another bureau of credit history licensed in the Republic of Moldova (hereinafter - provider) the performance of some or all of its functions, in accordance with the provisions of this law, the legislation on personal data protection and the normative acts of the supervisory authority.

(2) The bureau of credit history shall take the necessary measures to ensure that the outsourced functions, the rights and obligations of the bureau of credit history and the provider are clearly and completely laid down in a written contract. The bureau of credit history shall act with full competence, prudence and diligence in concluding, executing, amending and/or terminating the contract on the outsourcing of functions.

(3) Outsourcing of functions to the provider shall be carried out with the prior approval of the supervisory authority. The manner of issuing prior approval shall be determined by the supervisory authority by its normative acts.

(4) The subcontracting of outsourced activities (chain outsourcing) is prohibited.

(5) The bureau of credit history shall be responsible for the appropriate risk management of the outsourced functions.

(6) In the case of outsourcing, the bureau of credit history shall comply with the following minimum requirements:

1) it shall have sufficient technical means to ensure the security and confidentiality of credit history information when processing credit history information in accordance with generally accepted information security standards and norms;

2) shall take measures to ensure business continuity in the event of exceptional situations, as well as to ensure compliance with this law in relations with the provider;

3) shall immediately inform the supervisory authority of any incident or risk, as well as of a change of supplier;

4) ensure that outsourcing will not result in:

a) delegation to the supplier of the responsibility of the governing bodies of the bureau of credit history;

b) impairing the ability of the bureau of credit history to perform its statutory duties and discharge its obligations or otherwise harming the legitimate interests of the subjects of credit history;

c) restricting, hindering or preventing the exercise of the powers of the supervisory authority in relation to licensing, regulation and supervision, as well as those of other authorized supervisory bodies.

(7) In the event of a breach of the minimum requirements set out in par. (6), the supervisory authority shall be entitled to withdraw the opinion issued in accordance with par. (3).

(8) In the event of withdrawal of the opinion or termination of the contract, the bureau of credit history and the supplier shall be bound to:

a) ensure that all credit history is returned to the bureau of credit history within 30 days from the date of the decision to withdraw the opinion or from the date of the termination of the contract;

- b) ensure that all credit history information that has been processed by the supplier is destroyed and that it will not be possible to restore it;
- c) ensure that the supplier, including its employees, will maintain the confidentiality of the credit history information received as a result of the outsourcing.

Article 13. Obligations of the bureau of credit history

(1) In order to ensure the security of keeping credit history, the bureau of credit history shall be bound to hold a license for the activity of providing the services of forming, processing and keeping credit history, as well as for the provision of credit reports and related services.

(2) The bureau of credit history shall be bound to provide the credit report to any user of credit history on the basis of the contract concluded with the user of credit history information services, provided that the legal basis for requesting and obtaining the credit report exists. For the purpose of providing complete information on credit history, the bureaus of credit history are bound to exchange information on credit history (credit reports) with other bureaus of credit history in the manner established by this law and the normative acts of the supervisory authority.

(3) The bureau of credit history shall be bound to include in the credit history of the respective subject of the credit history the information, which complies with the requirements laid down in this law:

- a) received in electronic form, provided it is submitted in the format established by the credit history bureau and the source of the credit history - within one business day;
- b) received in written form - within 5 working days.

(4) The bureau of credit history shall be bound to keep the web page and the consumer information hotline active and up to date, as well as to provide advisory support, within the limits of its competence, to the subjects of credit history, sources of credit history formation and users of credit history.

(5) Within the information exchange system, the bureau of credit history shall ensure compliance with the following principles:

- a) public disclosure of relevant information in accordance with this law;
- b) effective risk management;
- c) equal access to information exchange for all users, regardless of their shareholding in the bureau of credit history.

(6) In the process of distribution of advertising materials and marketing actions for the subjects of credit history, the bureau of credit history shall comply with the provisions of the Law no. 62/2022 on advertising. The advertising and marketing materials shall include all information necessary for the subject of the credit history to obtain the credit report, including the conditions for obtaining the credit report, the address of the bureau of credit history and contact telephone numbers.

(7) The bureau of credit history shall develop and implement policies for the resolution of disputes arising between the bureau and the sources of credit history origination, between the bureau and users of credit history, and arising between the bureau and subjects of credit history, which shall include, at a minimum:

- a) rules for the early identification of possible problems in dealings with credit history originators and credit history users, including procedures for resolving disagreements at an early stage, thereby reducing the risk of their spreading.
- b) procedures to identify systemic issues related to the quality of disclosures;
- c) rules for the identification of unqualified disclosures by credit history sources.

[Art. 13 par. (6) amended by Law No 214 of 20.07.2023, in force as of 03.08.2023]

[Art. 13 par. (2) amended by Law No 175 of 11.11.2021, in force as of 10.01.2022]

[Art. 13 par. (2) supplemented by Law No 23 of 27.02.2020, in force as of 20.03.2021]

Article 14. Powers of the board of the bureau of credit history

(1) In addition to the requirements laid down in Law No 135/2007 on limited liability companies and Law No 1134/1997 on joint-stock companies, the tasks of the board of the bureau of credit history include:

- a) ensuring the execution by the credit bureau of the requirements of the legal framework on the bureaus of credit history and personal data protection;
- b) managing risks and ensuring that the risks faced by the bureau of credit history are minimized;
- c) ensuring the sustainable development of the bureau of credit history;
- d) ensuring internal and external audit.

(2) Where the statute of the bureau of credit history does not provide for the delegation of this task to the executive body of the bureau, the board of the bureau shall be responsible for ensuring the execution of the disclosure requirements by placing on the bureau of credit history's website at least the following information:

- a) general data about the bureau, such as name, location, licenses held, composition of governing bodies, information about the founders' natural persons and legal entities holding individually or together with its affiliated persons more than 5% of the share capital of the bureau of credit history (name, surname/denomination, state registration number (IDNO), size of the share/quota held in the share capital);
- b) prices of products and services offered;
- c) annual financial statements of the bureau of credit history;
- d) the list of sources of credit history information;
- e) personal data protection measures, principles of security of information contained in the database.

Article 15. Liquidation and reorganization of the bureau of credit history

(1) Liquidation and reorganization of the bureau of credit history shall be carried out in the manner prescribed by the legislation for legal persons, with the particularities specified in this article.

(2) The bureau of credit history shall be obliged to suspend the receipt of information from the sources of formation of credit history and/or submission of credit reports during the liquidation or reorganization proceedings, as well as to apply for suspension of the license in the manner prescribed by the legislation. In this case, the bureau of credit history shall inform:

- a) the credit history formation source - about the suspension of receiving information from the credit history formation sources and/or the submission of credit reports, within 3 working days from the adoption of the respective decision, with the publication of the respective information in the Official Monitor of the Republic of Moldova;
- b) the supervisory authority - about the initiation of reorganization or liquidation proceedings, requesting the suspension of the license.

Article 16. Transfer of information from a liquidated or reorganized bureau of credit history or from a bureau of credit history whose license has been withdrawn

(1) In the event of reorganization of the bureau of credit history, the credit history kept in it shall be transferred to the successor in title if the successor in title is a licensee. In this case, the successor bureau of credit history shall be bound, within 10 working days from the date of receipt of the credit history, to notify the sources of formation of the credit history received of this fact and to publish this information in the Official Monitor of the Republic of Moldova.

(2) In case of reorganization of the bureau of credit history whose successor in title is not a licensee, as well as in case of its liquidation or withdrawal of the license, the credit history kept at the liquidated or reorganized bureau of credit history or at the bureau of credit history whose license has been withdrawn shall be disposed of by sale at auction, in which only the licensed bureaus of credit history shall participate. The proceeds from the sale of credit history instruments in the manner provided for in this article shall be transferred to the liquidated or reorganized bureau

of credit history or to the bureau of credit history whose licence has been withdrawn. The manner of holding auctions shall be determined by the Government, on the proposal of the supervisory authority.

(3) The transmission of the credit history of the liquidated or reorganized bureau of credit history or of the bureau of credit history whose license has been withdrawn to the bureau of credit history that has won the auction shall be ensured by the organizer of the auction and shall be completed no later than 30 calendar days from the date of the respective auction. The bureau of credit history appointed as the winner of the auction shall be bound, within 10 working days from the date of receipt of the credit history, to inform the supervisory authority and the sources of formation of the credit history received about this fact, as well as to publish in the Official Monitor of the Republic of Moldova a notice on the termination of the receipt of credit history of the liquidated or reorganized bureau of credit history or of the bureau of credit history whose license has been withdrawn.

(4) Credit history formation sources that have submitted information to the liquidated or reorganized bureau of credit history or to the bureau of credit history whose license has been withdrawn, if the successor in interest has not been licensed in the manner provided by this law, shall, within 30 calendar days of receipt of the information about the liquidation reorganization or withdrawal of the bureau of credit history's license, to start submitting the information to any other bureau of credit history on the basis of the concluded contract, including all information for the period of time since the last submission of the information to the liquidated or reorganized bureau or to the bureau of credit history whose license has been withdrawn.

Chapter IV REGULATION AND SUPERVISION. LICENSING OF THE ACTIVITY OF BUREAUS OF THE CREDIT HISTORY

Article 17. Regulation and supervision of the activity of bureaus of credit history providers and credit history users

(1) The supervisory authority shall regulate and supervise the activity of the bureaus of credit history and shall be exercised by the supervisory authority in the manner prescribed by this law.

(2) If the sources of credit history formation/users of credit histories are entities supervised by the National Bank of Moldova in accordance with the Law No 548/1995 on the National Bank of Moldova, the National Bank of Moldova shall, within the process of supervision of these entities, verify the veracity of the information submitted by them to the bureau of credit history and the correctness of the use of credit reports. Violation by the entities concerned of the provisions of this law shall be sanctioned in accordance with this law.

(3) Supervisory authority:

(1) shall develop and approve normative acts in the areas pertaining to the activity of bureaus of credit history, regulating:

a) the conditions and requirements with regard to the submission of information by the sources of formation of credit history;

[Letter b) repealed by Law No 175 of 11.11.2021, in force as of 10.01.2022]

c) conditions and manner of submission of the credit report;

d) conditions and procedures for carrying out ex officio controls and on-the-spot inspections of the activities of the bureaus of credit history;

e) requirements as to the financial standing and business reputation of the members of the bureaus of credit history;

f) requirements concerning the education, qualifications and competence of the members of the board, the executive body and the staff of the bureau of credit history;

g) manner of reporting by the bureau of credit history, including the periodicity of reporting, the form and content of the reports;

h) conditions (including payment) and the manner of submission of credit history information (credit report submission) to other bureaus of credit history;

2) perform the control of the compliance of the bureau of credit history with the provisions of this law and the normative acts of the supervisory authority;

3) supervise the activity of the bureau of credit history by carrying out ex officio controls and on-site inspections in order to verify:

a) the processing of credit history, including:

- the methods applied to verify the information received from the credit history sources;

- the methods applied to monitor the quality of the processes for updating information by credit history sources;

- the method of retention and deletion of credit history information;

b) the risk management system, including:

- the existence of the risk identification and management policy, its application and whether the level of risk corresponds to the parameters set by the bureau's governing bodies;

- the way in which the management bodies of the bureau are informed of emerging risks and the decisions taken in this respect;

c) the quality of the service provided in the case of written enquiries from credit history subjects, credit history sources or credit history users, including:

- the accuracy and truthfulness of the information submitted by the bureau of credit history;

- the observance of the rights and interests of the participants in the exchange of information, the observance of the requirements of this law and the regulatory acts of the supervisory authority;

d) ensuring the transparency of the bureau of credit history's activity by disclosing information in accordance with the requirements of this law;

4) address to the bureaus of credit history binding prescriptions to be enforced regarding the removal of violations detected in their activity;

5) apply, in accordance with the law, sanctions against the bureaus of credit history and/or persons in positions of responsibility of the bureaus of credit history;

6) examine the approaches, requests and complaints of natural persons and legal entities relating to the activity of the bureaus of credit history, including the formation of credit history;

7) perform other duties established by law.

(4) In order to ensure the supervision of the compliance of the bureau of credit history, the sources of credit history formation and the users of credit history with the provisions of this law, the supervisory authority shall have free access to the information on credit history in the database of the bureau of credit history.

(4¹) For the purposes of supervision, the supervisory authority may require public authorities and other persons to provide any information in their possession regarding the activities of the bureau of credit history, persons in positions of responsibility, holders of participations/shareholders and beneficial owners.

(5) In the framework of supervision, the bureau of credit history, the sources of credit history formation and the users of credit history shall not be entitled to refuse to submit to the supervisory authority documents and/or information subject to verification within the meaning of this law under the pretext of commercial, banking or other secrecy protected by law. Information obtained in the course of supervision may not be disclosed to third parties, except in the cases provided for by law.

(6) By normative acts of the supervisory authority, reporting obligations to the supervisory authority may be established for the sources of credit history formation and users of credit history for the purpose of exercising the supervisory authority's supervisory duties in respect of the activity of the bureaus of credit history.

(7) In order to confirm the compliance with the requirements established by the legislation on the use of information systems for the creation of the database, equipment and program products, the bureau of credit history shall carry out the independent technical audit at least once every 3 years.

(8) The supervisory authority may order the bureau of credit history to carry out an independent technical audit of the information systems, equipment and program products in the following cases:

a) finding of unauthorized access to the database containing information constituting credit history;

b) a breach by the bureau of credit history of the information security system, where this endangers the functioning of the information system.

(9) The copy of the technical audit report, whether ordered by the supervisory authority or required by this law, shall be submitted to the supervisory authority within 3 working days from the date of its signature.

[Art. 17 par. (1), (2), (6) in new wording, par. (4) amended, par. (4¹) added by Law no. 214 of 20.07.2023, in force as of 03.08.2023]

[Art. 17 par. (2) amended by Law No 175 of 11.11.2021, in force as of 10.01.2022]

[Art. 17 par. (3) supplemented by Law No 23 of 27.02.2020, in force as of 20.03.2021]

Article 18. Licensing of the activity of the bureau of credit history

(1) The licensing of the activity of the bureau of credit history shall be performed by the supervisory authority in accordance with this law, the Law No 548/1995 on the National Bank of Moldova and other normative acts elaborated for the implementation of this law.

(2) In order to be licensed, the bureau of credit history shall comply with the following requirements (licensing conditions):

1) on ensuring the security and integrity of the bureau of credit history's database:

a) the possession of premises that meet the technical and other requirements for the secure placement and operation of information systems, the bureau of credit history's databases and other documents and information related to the work as a bureau of credit history;

b) the use of information systems for the creation of the bureau of credit history's database, equipment and program products that meet the requirements established by the supervisory authority;

c) the existence of an action plan for the technical development of the bureau of credit history's database and measures to protect data against unauthorized access or unlawful supply of data;

2) on ensuring the professional management and stability of the work of the bureau of credit history:

a) the absence in the heads of the bureau of credit history and their deputies of any unacknowledged criminal record for economic offences;

b) the stable financial situation and sound business reputation of the associates of the bureau of credit history;

c) the existence of a short-term or medium-term business plan covering a period of at least 3 years;

d) the compliance of the members of the board, the executive body and the staff of the bureau of credit history with the requirements laid down by the regulatory acts of the supervisory authority regarding reputation, qualifications and education;

e) the existence of policies and procedures necessary for the business of the bureau of credit history, including risk management and dispute resolution.

(3) The list of documents confirming that the requirements referred to in par. (2) of this article are met shall be approved by the supervisory authority.

(4) Any legal entity shall be entitled to carry on business as a bureau of credit history in accordance with this law only after obtaining a license. The term of validity of the license shall be unlimited. While carrying out its activity, the bureau of credit history shall be bound to comply with the requirements established for obtaining the license.

(5) The fee for the issuance of the license for the activity of the bureau of credit history shall amount to MDL 3250 and shall be paid to the state budget.

(6) Fees for the reissuance of the license, for the issuance of the copy or duplicate of the license shall constitute 10% of the license fee and shall be paid to the state budget.

(7) No person, with the exception of legal entities, which, in accordance with this law, carries on business as a bureau of credit history, may use in its name the words "bureau of credit history", the abbreviation "BCH" or in any other way indicate that such person is entitled to carry on business as a bureau of credit history.

(8) The supervisory authority shall place on its official website the list of licensed bureaus of credit history.

(9) The illegal provision and/or use, and/or administration of information characterizing the borrowers' compliance with the obligations undertaken by credit contracts and/or loan contracts by legal entities that do not hold licenses for the activity of the bureau of credit history, as well as by their persons in positions of responsibility, shall be considered as violations of this law and shall be punishable according to the contravention or criminal law.

[Art. 18 par. (4), (5) completed, par. (6) in new wording according to Law No 214 of 20.07.2023, in force as of 03.08.2023]

[Art. 18 par. (1) amended by Law No 178 of 11.09.2020, in force as of 01.07.2023]

[Art. 18 par. (3) amended by Law No 32 of 27.02.2020, in force as of 02.05.2020]

Article 19. Infringements, sanctions and remedial measures

(1) Violations are considered:

a) violation of the provisions of this law and/or regulatory acts issued by the supervisory authority for the purpose of law enforcement;

b) violation of licensing requirements and restrictions or conditions and restrictions in the licensing acts stipulated by this law;

c) hindering the exercise of the supervisory power, non-compliance with prescriptions and other measures ordered by the supervisory authority;

d) failure to report, late reporting or submission of inaccurate/incomplete/contradictory information.

(2) Where the bureau of credit history and/or the persons responsible in the bureau of credit history have admitted the infringements referred to in par. (1), the supervisory authority may impose the following sanctions:

1) written warning;

2) a fine in the amount up to 10% of the income from the operational activity carried out under the license, achieved in the previous year or, in the case of less than 1 year of activity, of the income achieved during the period of activity, but not less than MDL 5000;

3) the fine imposed on the person in charge of the bureau of credit history in the amount from 1 to 10 average salaries of the sanctioned natural person, including all benefits (supplements, bonuses and other additions to the official salary), taking into account the average salary for:

a) the last 12 months worked in the bureau of credit history prior to the date on which the offense was established;

b) the total period worked in the bureau of credit history prior to the date on which the infringement was established, if that period is less than 12 months;

c) the last 12 months worked in the bureau of credit history if the employment relationship was terminated before the date on which the infringement was established;

d) the total period worked in the bureau of credit history, if that period is less than 12 months and the employment relationship was terminated before the date on which the offence was established;

4) suspension of the license;

5) withdrawal of the license.

(3) In the event of the finding of violations specified in par. (1) or where business continuity and/or information security may be affected by the risks identified by the supervisory authority, the supervisory authority shall be entitled to apply the following remedial measures:

- a) issue prescriptions for the cessation and removal of the breaches;
- b) impose additional reporting requirements;
- c) order an independent technical audit in the cases referred to in art. 17 par. (8);
- d) prescribe amendments to the rules on the operation of the information system and/or the rules on information security;
- e) order the replacement of persons in positions of responsibility.

(4) If the credit history formation sources or credit history users have admitted the violations referred to in par. (1) letters a), c) and d), the supervisory authority may impose a fine in the amount from MDL 5000 to 15000.

(5) The finding of facts constituting violations, the application of sanctions and remedial measures shall be carried out in accordance with the Law No 548/1995 on the National Bank of Moldova and the normative acts of the supervisory authority. Sanctions may be applied at the same time as or independently of remedial measures.

[Art. 19 in the wording of the Law No 214 of 20.07.2023, in force as of 03.08.2023]

Article 20. Observance of trade secrecy, banking secrecy and confidential information relating to the client of the non-bank credit organization by persons in positions of responsibility within the bureau of credit history

Persons in positions of responsibility in bureaus of credit history shall not have the right to use for purposes or in a manner other than that provided for by this law and/or to disclose in any way confidential information relating to the client of the non-bank lending organization, information which constitutes a trade secret or bank secret of the bureau of credit history, the source of credit history, the subject of credit history or the user of credit history.

[Art. 20 in the wording of Law No 23 of 27.02.2020, in force as of 20.03.2021]

Chapter V

FINAL AND TRANSITIONAL PROVISIONS

Article 21. Mode of inclusion in credit history of information concerning existing credit agreements

Credit history sources shall submit information to the bureau of credit history in the manner prescribed by this law.

[Art. 21 in the wording of Law No 175 of 11.11.2021, in force as of 10.01.2022]

Article 22. Peculiarities of the operation of existing bureaus of credit history

The legal entity that was operating as a bureau of credit history before the date of entry into force of this law shall be bound, within 6 months from the date of entry into force of this law, to bring its activity into conformity with the requirements of this law on bureaus of credit history. Failure to comply with these requirements shall entail the liability, provided for by law, of the legal entity concerned.

Article 23. Entry into force

(1) This law shall enter into force on March 1, 2009.

(2) Within 3 months from the date of publication of this law:

- a) the Government, in agreement with the supervisory authority, shall submit proposals to the Parliament on bringing the legislation in force in line with this law;
- b) the supervisory authority shall prepare and approve the normative acts provided for in this law.

VICE-PRESIDENT OF PARLIAMENT

Maria POSTOICO

Chisinau, May 29, 2008.

No. 122-XVI.

* Republished pursuant to art. V of the Law of the Republic of Moldova No 149 of July 14, 2017 - Official Monitor of the Republic of Moldova, 2017, No 277-288, art. 481.

Amended and supplemented by the laws of the Republic of Moldova:

Law No 149 of 14.07.2017 - Official Monitor of the Republic of Moldova, 2017, No 277-288, art. 481;

Law No 158 of 05.07.2012 - Official Monitor of the Republic of Moldova, 2012, No 155-159, art. 514;

Law No 302-XVI of 25.12.2008 - Official Monitor of the Republic of Moldova, 2009, No 30-33, art. 75.