

STATUTORY INSTRUMENTS

2015 No. 1945

The Small and Medium Sized Business (Credit Information) Regulations 2015

PART 4

Access to and correction of information

Access to and correction of information for individuals and small firms

15.—^[F1](1) Section 13 of the Data Protection Act 2018 (rights of the data subject under the GDPR: obligations of credit reference agencies) applies in respect of a designated credit reference agency which is not a credit reference agency within the meaning of section 145(8) of the Consumer Credit Act 1974 as if it were such an agency.]

(2) Sections 157 to 160 of the Consumer Credit Act 1974 (credit reference agencies) ^{M1}, and any regulations made under those sections, apply in respect of a designated credit reference agency which does not carry on, by way of business, an activity of the kind specified by article 89B of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ^{M2} (providing credit references), as if it did so carry on such an activity.

(3) In the event that the Treasury revokes the designation of a designated credit reference agency, paragraphs (1) and (2) continue to apply in respect of such credit reference agency for a period two years starting on the date of such revocation but thereafter shall cease to apply.

^[F2](4) In this regulation, the reference to section 13 of the Data Protection Act 2018 has the same meaning as in Parts 5 to 7 of that Act (see section 3(14) of that Act).]

Textual Amendments

- F1** Reg. 15(1) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 387\(2\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625, reg. 2\(1\)\(g\)](#)
- F2** Reg. 15(4) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\), s. 212\(1\), Sch. 19 para. 387\(3\)](#) (with [ss. 117, 209, 210](#)); [S.I. 2018/625, reg. 2\(1\)\(g\)](#)

Marginal Citations

- M1** Sections 157 to 160 were amended by sections 62(1), 62(2), (3) and (5) of the Data Protection Act 1998, paragraph 6(1) of Schedule 5 to the [Enterprise Act 2002 \(c. 40\)](#), [section 5\(6\)](#) of the [Consumer Credit Act 2006 \(c. 14\)](#), [paragraph 7](#) of part I of Schedule 2 to the Freedom of Information Act 2000, [S.I. 1998/997](#), [S.I. 2000/183](#), [S.I. 2007/123](#), [S.I. 2010/1010](#), [S.I. 2013/1881](#), and [S.I. 2013/1882](#).
- M2** [S.I. 2001/544](#).

Right of action in relation to inaccurate information

16.—(1) This regulation applies in respect of—

Status: Point in time view as at 25/05/2018.

Changes to legislation: There are currently no known outstanding effects for the The Small and Medium Sized Business (Credit Information) Regulations 2015, PART 4. (See end of Document for details)

- (a) credit information about a small or medium sized business held by a designated credit reference agency; and
 - (b) information provided to a designated credit reference agency under regulation 3(1) held by that credit reference agency during the period in which it is a designated credit reference agency and, in the event that the Treasury revokes its designation, for a further period of two years starting on the date on which its designation is revoked.
- (2) If a court is satisfied on the application of a person that information relating to that person is inaccurate, the court may order the credit reference agency holding the information to rectify, block, erase or destroy that information and any other information which contains an expression of opinion which appears to the court to be based on the inaccurate information.
- (3) Paragraph (2) applies whether or not the information accurately records information received from another person, but where that is the case—
- (a) if the court is satisfied that—
 - (i) the credit reference agency holding the information has taken reasonable steps to ensure the accuracy of the information, and
 - (ii) if the applicant has notified the credit reference agency of the applicant's view that the information is inaccurate, the information indicates that fact,instead of making an order under paragraph (2) the court may make an order requiring the information to be supplemented by such statement of true facts as the court may approve, or
 - (b) if the court is not so satisfied, the court may make such order as it thinks fit for securing that the credit reference agency holding the information takes reasonable steps to ensure the accuracy of the information and that the information indicates the applicant's view that the information is inaccurate, with or without a further order requiring the information to be supplemented by such a statement as is mentioned in sub-paragraph (a).
- (4) Where the court—
- (a) makes an order under paragraph (2), or
 - (b) is satisfied on the application of a person that information relating to that person and which has been rectified, blocked, erased or destroyed was inaccurate,
- it may, where it considers it reasonably practicable, order the credit reference agency holding or which held the inaccurate information to notify third parties to whom the information has been disclosed of the rectification, blocking, erasure or destruction.
- (5) In determining whether it is reasonably practicable to order such notification the court shall have regard, in particular, to the number of persons who would have to be notified.
- (6) The jurisdiction conferred by this regulation is exercisable—
- (a) in England and Wales by the High Court or the county court,
 - (b) in Northern Ireland by the High Court or a county court, or
 - (c) in Scotland by the Court of Session or the sheriff.

Status:

Point in time view as at 25/05/2018.

Changes to legislation:

There are currently no known outstanding effects for the The Small and Medium Sized Business (Credit Information) Regulations 2015, PART 4.