

Decree No. 164/2002 Coll.

of 10 April 2002

on the Conditions of Access to Information Contained in the Information Database of the Czech National Bank the Central Credits Register

As amended by Decree No. 292/2010 Coll.

The Czech National Bank, in accordance with § 38a paragraph 2 of Act No. 21/1992 Coll., on Banks, as amended by Act No. 126/2002 Coll., stipulates the following:

Article 1

Scope of Application

This Decree sets down the conditions of access to information in the information database created by the Czech National Bank¹⁾.

Article 2

Definition of Terms

For the purposes of this Decree the terms mentioned below shall have the following meanings:

- a) “**Operator**” is the Czech National Bank,
- b) “**The Central Credit Register (CCR)**” is the information database created and operated by the operator,
- c) “**CCR participant**” is a bank, including its branches abroad or a branch of a foreign bank carrying on business on the territory of the Czech Republic, and also other persons / entities, provided that a special Act stipulates so²⁾,
- d) “**Debtor**” is a legal entity, from which the CCR participant has a receivable, except for a bank, a branch of a foreign bank and the central bank, or a private individual who is an entrepreneur, from whom the CCR participant has

¹⁾ § 38a paragraph 2 of Act No. 21/1992 Coll., on Banks, as amended by Act No. 126 / 2002 Coll. The Provision of the Czech National Bank No. 5 of 1 August 2001, stipulating the methodology for submission of selected data by banks and branches of foreign banks to the Czech National Bank, announced in Section 116/2001 Coll. under No. 32 /2001 Coll.

²⁾ § 1 paragraph 1 and § 5 paragraph 1 of Act No. 21/1992 Coll., on Banks, as amended by Act No. 126 /2002 Coll.

a receivable in connection with such private individual’s business activities,

- e) “**Receivable**” is a balance-sheet or off-balance-sheet receivable of the CCR participant from a debtor from Account Classes 2 or 9, in Czech crowns or in foreign currencies, regardless of the amount of the receivable, with the proviso that in the case of a debtor – private individual the receivable in question is only a receivable arising in connection with such debtor’s business activities,

- f) “**Information from the register**” is the output information provided to the CCR participant, comprising the following:

1. Identification data on the debtor,
2. Aggregate data on receivables of all CCR participants from the debtor,
3. Data on the number of CCR participants, to which a receivable from the debtor has arisen,
4. Specification of the period of time, to which the information from the register relates.

Article 3

Conditions

of Access of the CCR Participants to Information from the Register

- (1) The CCR participant shall be authorized to request information from the register only in direct connection with a specific business case; this connection shall always mean the following:

- a) connection with the decision-taking on the granting of a credit or any other service leading to the rise of a receivable of the CCR participant,
- b) connection with an already existing receivable of the CCR participant from the debtor.

- (2) The conditions pursuant to paragraph 1 shall be fulfilled, if the request in question concerns the following:

- a) any person/entity asking for granting a credit or any other service leading to the rise of a receivable (paragraph 1 letter a)) or any person/entity that is the debtor (paragraph 1 letter b)), any person/entity that is economically related³⁾ to the person/entity asking for granting a credit or any other service leading to the rise of a receivable (paragraph 1 letter a)) or to the debtor (paragraph 1 letter b)),
- b) any person/entity that is demonstrably the legal predecessor of the person/entity asking for granting a credit or any other service leading to the rise of a receivable,
- c) any person/entity that has provided or intends to provide security for the receivable.
- d) any person/entity for which information is recorded in the register for the purposes of implementing certain measures against money laundering and terrorist financing, preventing fraud, or imposing international sanctions.

(3) A request for information from the register shall contain identification of the person/entity pursuant to paragraph 2, on which the information is requested, and specification of the period of time for which the information from the register is requested.

(4) The CCR participant shall prove the rightfulness of its request for information from the register pursuant to paragraphs 1 and 2, on demand to the operator, especially by written or electronic evidence of the interest shown in the granting of a credit or any other service leading to the rise of a receivable for the CCR participant or by the CCR participant's documentation on any receivable which has already arisen.

(5) A condition of access of the CCR participants to the CCR and acquiring information from it is compliance with the operational-technical conditions stipulated by the operator in the CCR participant documentation.

(6) The CCR participant shall designate at least two persons authorised for the administration of access rights to the register and for ensuring substantive and technical communication with the Czech National Bank.

(7) The CCR participant shall inform the Czech National without undue delay of the designation of persons pursuant to paragraph 6 or of any changes to their contact details.

³⁾ § 14 of the Provision of the Czech National Bank No. 3 of 28 June 1999, on capital adequacy of banks comprising the credit and market risks, announced in Section 55/1999 Coll., as amended by the Provision of the Czech National Bank No. 5 of 7 September 2000, announced in Section 94/2000 Coll. under No. 41/2000 Coll.

(8) The operator shall inform the CCR participant of the execution of every aggregate updating of the data in the register.

Article 4

Effective Date

This Decree becomes effective on 1 May 2002.

Governor
Zdeněk Tůma in
his own hand