



# Consultation response paper: Credit reference agency access to information

SEPTEMBER 2023

## Background

On the 17 July 2023, the Government of Jersey published a [public consultation](#) regarding its plans to amend the Register of Names and Addresses (Jersey) Law 2012.

The proposed amendment to the Register of Names and Addresses (Jersey) Law 2012 (the “RNA Law”) will permit the Minister to supply certain information about Jersey residents of 18+ years of age, from the Register of Names and Addresses (“the Register”) maintained under the RNA Law, to credit reference agencies. It is considered that the supply of information to credit reference agencies will enable the efficient performance of affordability checks, as will be required under the proposed consumer credit regime, and customer due diligence verifications, in accordance with money laundering requirements, as are required to be performed by relevant persons when onboarding a potential customer.

The consultation closed on 25 August 2023 and in total the Government received over 120 responses.

Since then, the Government has considered all the feedback received as part of its policy formation. The responses to the consultation are summarised below and the Government has stated its position in relation to this.

Further questions or comments relating to this Response Paper may be directed to:

Thomas Wright

Associate Director, Financial Services

Economy | Government of Jersey

19-21 Broad Street | St Helier | Jersey | JE2 3RR

Email: [t.wright@gov.je](mailto:t.wright@gov.je)

## Proposal summary

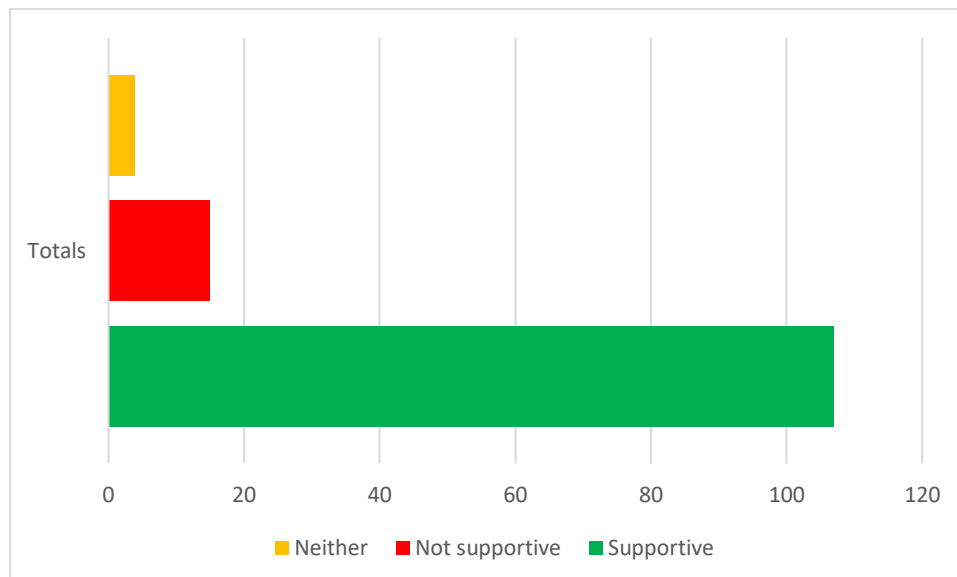
The proposal will make necessary amendments to the RNA Law to permit the minister to supply certain credit reference agencies with the name, residential address and date of birth of an individual over the age of 18 and resident in Jersey. The minister will specify those credit reference agencies being supplied in accordance with the RNA Law through the making of an Order, this subject to specific conditions of authorisation and regulation, data protection, systems adequacy for maintaining confidentiality and integrity, and the limited use of information subject to specified purposes. It is anticipated that the Minister will bring effect to this through mechanisms deemed necessary to obtain the relevant assurances, including entering into agreements with the credit reference agencies specified.

## Responses

The consultation ran through July and August, receiving a broad range of responses from the public through the online survey tool, email correspondence and letters from organisations such as Jersey Consumer Council. Further to this, several lenders have engaged at town hall events and drop-in sessions being held as part of the consumer credit regime, providing their views on the necessity to support the performance of credit checks.

The consultation was designed with the simple objective to determine whether the public supported the proposal shared in the consultation document or not, asking “Do you agree with the proposal to provide information to credit reference agencies?”.

The responses received to the consultation were very supportive of the Government’s proposal to certain credit reference agencies with information from the register of names and addresses.



The vast majority of responders supporting the Government’s proposal identified this to be a necessary change to facilitate the delivery of services to islanders. Further to this some key responses include written responses from two financial services providers that credit reference agency access to information will be important to unlocking more efficient performance of affordability checks of Jersey resident by firms providing services both on and off the island, but also key to facilitating the use of digital ID technology to service institutions with the performance of electronic address verification to

onboard customers more efficiently. The consultation has however received some general concerns raised by responders, including:

- **Use of data**

Several respondents highlighted concerns that information may be provided to companies for commercial purposes, and that the use of the information extended beyond those purposes under which it was originally collected. It is highlighted that we will be amending the primary law to include the supply of information as a statutory purpose for which the Register is established and maintained. This proposition, in light of the nature of the information being provided, is considered to be both proportionate and necessary with regards to the policies aims. Furthermore, the proposition limits the provision of the information by credit reference agencies to specific purposes, as such, beyond the performance of affordability checks and customer due diligence checks, companies will not have the ability to legitimately use the information for other commercial purposes.

- **Security of data**

A number of respondents identified that whilst they are in support of the proposition, this was on the basis that the correct protections are put in place to secure the data. Some raised this as a reason for not supporting the proposition. A core aspect of the policy development, in particular the planned operational delivery of this, has been to ensure data protection compliance. The Government will establish the necessary controls to safeguard the information during extraction, processing and supply to the prescribed credit reference agencies. The proposition further limits the supply of information to credit reference agencies with “adequate systems in place for securing the confidentiality and integrity of information supplied”. As such, prior to prescribing a credit reference agency through an Order the Government will ensure such systems are in place, obtain relevant assurances and enter relevant contracts with prescribed credit reference agencies.

- **Sharing information cross-border**

Recognising the policy intention to supply information to overseas credit reference agencies, such as the UK, some respondents raised concern over the limitations this may create to controlling the data. It is highlighted that credit reference agencies within the UK are subject to requirements under the UK data protection framework, a framework recognised as GDPR equivalent. One respondent highlighted that UK regulators, such as the FCA or HMRC, may access information from credit reference agencies as opposed to other channels. It is acknowledged that such regulators may already legitimately access credit reference agency information for the purposes of identity verification. The access of the information being supplied to credit reference agencies for the purposes of such processing, in line with obligations relating to the detection and prevention of money laundering and terrorist financing, would be considered legitimate.

- **Why the register of names and addresses and not the electoral register**

Some respondents have queried why the proposition is utilising the register of names and addresses and not seeking to centralising the electoral registers. The register of names and addresses is a centralised register already maintained by the Government, holding the necessary information to supply credit reference agencies noting that the register is a more complete data set for these purposes than current electoral registers due to electoral eligibility criteria. It is further noted that the information within the register of names and addresses is

already aligned to Jersey Electoral Registers in accordance with [Register of Names and Addresses \(Comparison with Electoral Registers\) \(Jersey\) Regulations 2015](#). The use of the register of names and addresses does not have any implications for separate policy development related to electoral registers.

- **Accuracy of data**

A reasonable concern raised by a number of respondents has been the need to ensure the accuracy of the information being provided to credit reference agencies. The register of names and addresses is sufficiently maintained to ensure the accuracy of information the purposes already established, including those proposed. Individuals are legally required, subject to the Control of Housing and Work Law and Social Security Law, to notify Customer and Local Services of any change of address. Subject to any manual data correction processes these amendments will be instantly applied to the register of names and addresses. Further to this individuals are able to update their details with the Government online through the 'update your details' function on the website – [Update your contact details \(gov.je\)](#). This updates the register alongside other Government records under the 'tell us once' initiative.

It is noted that where individuals feel their concerns cannot be reconciled, and object to the processing for these purposes, they will be able notify the Government of their objection to the processing of their personal data. The means for doing this will be communicated as we move towards implementation.

### **Conclusion**

The feedback received through the consultation has shown that the policy objectives and proposition are widely supported.

The proposition was lodged for debate at the 12 September meeting of the States Assembly. No further amendments, following the consultation, have been deemed necessary to this proposition.

The Government would like to take this opportunity to thank all consultation respondents for their feedback.

END